

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN
AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2023CF3226

STATE OF FLORIDA

v.

DONNA SUE ADELSON,

Defendant.

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PROCEEDINGS: JURY TRIAL
Excerpt: Testimony of Wendi Adelson

BEFORE: THE HONORABLE STEPHEN EVERETT

DATE: August 25, 2025

LOCATION: Leon County Courthouse
Tallahassee, Florida

REPORTED BY: DARLA J. HALL, RPR
Official Court Reporter

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Leon County Courthouse, Room 341
Tallahassee, FL 32301

DARLA J. HALL, RPR, OFFICIAL COURT REPORTER

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1 PROCEEDINGS

2 THE COURT: Please raise your right hand to be
3 sworn.

4 whereupon,

5 WENDI ADELSON

6 was called as a witness, having been first duly sworn, was
7 examined and testified as follows:

8 THE COURT: You may be seated. Please adjust the
9 microphone as you need to so you can be clearly heard.
10 Ms. Capplemann, you may examine.

11 DIRECT EXAMINATION

12 BY MS. CAPPLEMAN:

13 Q Please state your name and spell your name.

14 A Wendi Adelson, W-E-N-D-I, A-D-E-L-S-O-N.

15 Q Ms. Adelson, where are you from?

16 A I'm from Coral Springs, Florida.

17 Q And you live in another state now currently, right?

18 A I do, yes, ma'am.

19 Q How are you employed?

20 A I'm an immigration attorney.

21 Q How long have you been an attorney?

22 A Since 2006.

23 Q And you're here pursuant to a State subpoena; is
24 that correct?

25 A Yes.

1 Q And that subpoena confers a type of immunity on you.
2 Do you understand that?

3 A I do.

4 Q which means that nothing you say here in court
5 pursuant to that subpoena can be used against you at a later
6 time. Do you understand that?

7 A I do.

8 Q But it doesn't necessarily mean you could never be
9 prosecuted. It just means that what you say in court could
10 not be used in any future prosecution. Do you understand
11 that?

12 A Yes.

13 Q I want to ask you about your ex-husband,
14 Daniel Markel. Is that a fair and accurate photo of
15 Mr. Markel?

16 A Yes.

17 Q when did you meet him?

18 A We met originally online. It must have been the
19 fall of my first year of law school, so 2003.

20 Q And when did you marry Mr. Markel?

21 A We married in February of 2006.

22 Q were you living in Tallahassee at some point as a
23 married couple?

24 A Yes.

25 Q when did you move to Tallahassee?

1 A We moved to Tallahassee my final year of law school,
2 so that would have been in the summer of 2005. And we were
3 here from 2005 until 2006. We spent a year at the University
4 of Miami, from 2006 to 2007. And then came back to
5 Tallahassee from 2007 until 2014.

6 Q All right. And during the time that you were living
7 here in Tallahassee, did you live over on Trescott Drive?

8 A For some of the time that we lived here, yes.

9 Q And when your first child was born, were you
10 residing at the Trescott Drive residence at that point?

11 A Yes.

12 Q I think I have a photo of that here. Is that the
13 Trescott Drive residence?

14 A Yes.

15 Q And how many children did you have with Mr. Markel?

16 A We have two children.

17 Q What were their ages at the time of their father's
18 death?

19 A It was ten days before my older son's 5th birthday,
20 so he was four, turning five, and our younger son was three
21 and a half. The boys are 14 months apart.

22 Q And did there come a time when you and Mr. Markel
23 separated?

24 A Yes.

25 Q When was the separation?

1 A It was in the fall of 2012.

2 Q whose decision was it to separate?

3 A It was mine.

4 Q How did your ex take that news?

5 A well, we talked about it many times before it
6 actually happened. But when the separation became official,
7 he was very upset.

8 Q And even though there were problems and issues and
9 discussions, it was a surprise to him when it actually
10 happened, right?

11 A It was.

12 Q And was part of the reason for the separation your
13 differing views on how to raise the kids pursuant to the
14 Jewish faith?

15 A I would say it was a very small part, but it was a
16 part.

17 Q Did you consider your ex to be a religious zealot?

18 A No. I didn't think he was a religious zealot, but I
19 did think he was using religion as a way of controlling me.

20 Q Did you think he was more devout in his faith than
21 you were?

22 A I don't know that -- I feel like devoutness has to
23 do with maybe a relationship with God, and I don't know that
24 his was more strong than mine, but he was more observant of
25 kosher rules than I was.

1 Q Can you explain for the jury what those imply for
2 those folks that don't know?

3 A Sure. So keeping kosher has to do with separating
4 milk from meat. Something like, you can't eat a cheeseburger.
5 And it has to do with the ritual way that animals are killed.
6 So certain meats would be considered kosher or nonkosher. And
7 then things like shellfish are not allowed or pork would not
8 be allowed. And so his beliefs changed over time. We used to
9 have bacon, and then bacon became a no later on.

10 Q All right. And that was -- those rules were
11 something that he was wanting to impose on the children,
12 correct?

13 A Yes.

14 Q And you were less interested in those kosher rules?

15 A It was less important to me.

16 Q Were both you and Mr. Markel raised within the
17 Jewish faith?

18 A We were, yes.

19 Q When you separated from Mr. Markel, did you move out
20 of the marital home while he was on a business trip?

21 A I did, yes.

22 Q Where did you go when you left the marital home?

23 A I went to another property that I had rented for the
24 boys and me.

25 Q Was that at 3303 Aqua Ridge Way?

1 A Yes.

2 Q Was that located in Leon County?

3 A Yes.

4 Q What was the custody arrangement -- broad terms are
5 fine -- for this timeframe during the separation?

6 A I think we were just trying to figure out how to
7 make it work. We didn't have any formal custody arrangement
8 at that time. I remember his parents came to town that
9 weekend, and I made sure that he had the boys that weekend.
10 We were just trying to figure out how to make it work until we
11 had something formal.

12 Q Was the arrangement roughly 50/50 or something else?

13 A It would have been roughly 50/50.

14 Q And were you mixing it up during the week, or was it
15 a week-on/week-off situation?

16 A It wasn't week-on/week-off. We didn't settle into
17 that until the first summer, or maybe the second summer. I
18 don't remember. That was more of a summer arrangement. But
19 it was 50/50 and definitely a mix during the week.

20 Q I'm going to publish what's been introduced into
21 evidence as State's Exhibit 60, your petition. Was your mom,
22 Donna Adelson, involved at all in drafting your divorce
23 documents?

24 A No.

25 Q Did she ever make any edits to any of the filings

1 that you made pursuant to your divorce?

2 A I think she made suggestions, but I had an attorney,
3 a very good attorney, helping me through the process. So she
4 wasn't editing legal documents.

5 Q Did you ever forward any of your mom's suggestions
6 to your lawyer?

7 A I probably did.

8 Q And when you did that, would you attribute them to
9 your mom, or would you just forward them along without noting
10 whether they were your questions or your mom's questions?

11 A I honestly don't remember.

12 Q Was this a contentious divorce?

13 A It was.

14 Q As part of your divorce, did you file a petition to
15 ask the Court for permission to relocate to South Florida?

16 A I did.

17 Q And I think that was your amended petition. I'm not
18 sure if we can see that very well. Here we go. It says, the
19 wife also desires to relocate to South Florida in order to
20 provide a better quality of life for the children by
21 increasing their access to close family and providing more
22 stability and consistency.

23 who was the close family that was available in South
24 Florida for the boys?

25 A My mom, my dad, and my brother.

1 Q why did you want to move to South Florida?

2 A I had very unstable employment in Tallahassee. I
3 was -- I had a wonderful job but it was on grant money, so
4 year to year I never knew if I would still have my job. I had
5 a job offer that was very good in South Florida. And the
6 assumption was that Danny was always going to be at a
7 different school, a better school. He used to joke that he
8 would take one bar exam for every two bar exams that I had to
9 take while we moved around the country. And so it seemed like
10 a way of having stability while he was climbing up the law
11 professor ladder to be ultimately at Harvard or Yale.

12 Q And was relocation important to you?

13 A It was in terms of having a safe and stable place
14 for my kids.

15 Q Did you consider having to live here in Tallahassee
16 being stuck, or had you referred to it previously as being
17 stuck in Tallahassee?

18 A I mean, I may have. The idea of being stuck as if
19 you don't have permission to live anywhere you want to live,
20 but I had a -- I have a nice quality of life here.

21 Q Did you consider the worst-case scenario to be that
22 you would end up stuck here in Tallahassee if your petition
23 was denied?

24 A I don't know. I mean, at the time, I may have felt
25 that way.

1 Q Okay. Might you have sent an email to a friend on
2 March 24th of 2013 indicating, quote, I do fear that the
3 worst-case scenario that could happen is that I will be stuck
4 here in Tallahassee?

5 A It's possible that I sent that.

6 Q Would it refresh your recollection to review that
7 item?

8 A I'm happy to.

9 Q It's on tab 6 on one of those binders in front of
10 you. Let me see which one it is. It's going to be this one.

11 A This one? I see it's highlighted. So, yes.

12 Q Okay. And did you also email a friend around the
13 same timeframe regarding, life in Tallahassee couldn't compare
14 to the life that you would be able to enjoy in South Florida
15 with your brother, Charlie, and his boat and pool and hot tub
16 and things like that?

17 A It's certainly possible.

18 Q That's on tab 7. Please refresh your recollection.

19 A Yes.

20 Q And, in fact, did you use the word, stuck, in your
21 actual motion for relocation? Here. The wife is merely stuck
22 in Tallahassee until the husband decides that the time is
23 right for him to leave.

24 A So my attorney did write that and that sounds right.

25 Q Did Tallahassee feel claustrophobic to you?

1 A Well, at this point in time, Danny was making lots
2 of unplanned announcements to my office where we worked
3 together, so I would see him at work. I never knew when he
4 was showing up. So I'm sure, you know, this is 12 years ago,
5 that that's how I felt at that time.

6 Q Okay. But outside of the context of your
7 relationship with Dan Markel, did you ever express that just
8 the smallness and slowness of Tallahassee made you feel
9 claustrophobic?

10 A I don't remember saying that.

11 Q Please refer to tab 8 to refresh your recollection.

12 MS. FULFORD: Your Honor, if I may at this time.
13 Could the State tell us -- you're just saying the tab
14 numbers. We're not sure what document you're referring
15 to.

16 THE COURT: I believe the binder is up on the
17 witness stand. Ms. Capplemann, does the Defense have a
18 copy of the same binder?

19 MS. CAPPLEMAN: No, Your Honor. I'll show them the
20 tab.

21 THE COURT: Please do.

22 BY MS. CAPPLEMAN:

23 Q That's a dense one. Were you able to find it?

24 A I did. I found -- it's part of a sentence. Can I
25 read the whole sentence?

1 Q Sure.

2 A Tallahassee feels claustrophobic at times, given its
3 smallness and slowness, and the fact that my friends cycle
4 through here with transient regularity.

5 So yes, at that moment in time, that's how I was
6 feeling in 2013.

7 Q And relocation was pending at the time that you were
8 feeling that way in that moment, right?

9 A Yes, ma'am.

10 Q And relocation was also very important to your
11 mother, wasn't it?

12 A Yes.

13 Q All right. And did you have some discussions with
14 your mother about relocation?

15 A I did.

16 Q And was that during that timeframe when it was
17 pending?

18 A Yes.

19 Q And do you see your mother in the courtroom here
20 today?

21 A Yes.

22 Q Could you please point her out and describe what
23 she's wearing?

24 A My mom is right -- I can't see her clothes from
25 here, but she's directly across from me.

1 Q All right. Is she wearing a headset on her head?

2 A Yes, ma'am.

3 MS. CAPPLEMAN: All right. Let the record reflect
4 the witness has identified the Defendant.

5 THE COURT: The record will reflect.

6 BY MS. CAPPLEMAN:

7 Q Your mom didn't want you to be stuck in Tallahassee
8 either, did she?

9 A She did not.

10 Q She wanted the best for you, right?

11 A She saw the best for me as not being in Tallahassee,
12 yes.

13 Q She referred to being in Tallahassee, that you were
14 a hostage and a prisoner, right?

15 A Yes, she did.

16 Q Prisoner. Close enough. Did your mom express
17 concerns that as a Tallahassee native, the Judge presiding
18 over your relocation motion would underestimate how much
19 better it would be for you to live in South Florida?

20 A She did.

21 Q Let me ask you a few questions about your parents.
22 Your mom is Donna Adelson. Who is your dad?

23 A My dad is Harvey Adelson.

24 Q And where did your parents -- I think you said they
25 were in Coral Springs back in 2012?

1 A Yes, ma'am.

2 Q Is that right? Okay.

3 How long had they lived in the Coral Springs area?

4 A I was born there. So from -- I think they started
5 living there when my oldest brother was born, so since the
6 early '70s.

7 Q So fair to say they had deep roots there in that
8 area?

9 A Yes.

10 Q Can you describe the relationship that your mom had
11 with your kids during the timeframe we're talking about, so
12 separation to murder timeframe?

13 A It was very close. My mom taught my boys how to
14 read. She taught them how to play chess. It was -- it was
15 very close.

16 Q Were your parents employed during that timeframe?

17 A Yes.

18 Q What kind of work did they do?

19 A My dad was a dentist and my mom was the office
20 manager for the dental practice.

21 Q And what about your brother, Charlie, did he have a
22 role there as well?

23 A He was a periodontist, and so I believe at some
24 point he purchased the practice. I don't remember what year
25 that was. But he would sometimes work from my dad's office

1 and sometimes work from other offices around South Florida.

2 Q Was the dental practice -- the family dental
3 practice a successful business?

4 A I believe it was. My family never discussed money
5 or finances with me, but I believe it was doing well.

6 Q Did you discuss your marital problems and resulting
7 legal issues with your mom?

8 A I did.

9 Q You talked about relocation, but in general, you did
10 talk about your woes with your mom?

11 A I did.

12 Q And I think you said you did send many of your
13 divorce pleadings to her; is that right?

14 A I did.

15 Q What about your dad? What was his role in reference
16 to your divorce pleadings?

17 A I don't remember exactly. My parents have a shared
18 email, so when I would send an email to one of them, I would
19 send it -- it was being sent to both. But I don't know who
20 was reading what or at what time.

21 Q Is it fair to say they were both welcome to read
22 whatever you sent to that email address?

23 A Yes.

24 Q And both welcome to reply as well?

25 A Yes.

1 Q who would reply more frequently, your mom or dad?

2 A My mom would reply more frequently.

3 Q who took more of an interest in the day-to-day ins
4 and out of your litigation?

5 A Probably my mom.

6 Q Is your mom overprotective of you?

7 A Yes.

8 Q Is your mom an emotional person?

9 A Yes.

10 Q what about your dad, is he emotional as well?

11 A I think so.

12 Q Did you previously say he was more of a straight
13 shooter and Mom was more emotional?

14 A I think so. But I think it's -- I think women tend
15 to be more emotional, and men tend to be less emotional.

16 THE COURT: Before you continue, Ms. Capplemann, I am
17 going to admit State's 60JJ at this time.

18 Is there any objection Defense wishes to raise?

19 MR. ZELMAN: Yes, Your Honor. Same objection.

20 THE COURT: The Court admits it over objection, for
21 the record. You may continue.

22 (State's Exhibit 60JJ received in evidence.)

23 MS. CAPPLEMAN: And I think that's the same exhibit
24 that's in State's 64AA, Judge. It's not necessary to
25 have duplicates, but because of the way the evidence came

1 out in this trial, that is present in State's 64 as well.

2 THE COURT: State's 64AA is admitted as far as the
3 final record. If you wish to remove one, you may, but
4 both are admitted for the record.

5 (State's Exhibit 64AA received in evidence.)

6 MS. CAPPLEMAN: Thank you, Judge.

7 BY MS. CAPPLEMAN:

8 Q All right. Is it fair to say that your mom, the
9 Defendant, is a controlling person?

10 A I don't think my mom is a controlling person.

11 Q Did you say at one time back in 2013, that your mom
12 operates with emotional subterfuge?

13 A I may have said that.

14 Q Would you like to refresh your memory?

15 A I can.

16 Q It's tab 45 in the binder in front of you.

17 A I'm not seeing it. Is it highlighted, or is it just
18 a long -- oh, no.

19 Q It's in the first paragraph on page 3.

20 THE COURT: Ms. Cappleman, if you can just walk up
21 and show the witness the portion of what you wish for her
22 to read to herself.

23 MS. CAPPLEMAN: I will, Judge.

24 BY MS. CAPPLEMAN:

25 Q So the question was, did you previously say that

1 your mom operated with emotional subterfuge?

2 A Yes.

3 Q what is meant by that?

4 A I honestly don't know what I meant at the time.

5 Q But not that she's controlling?

6 A I don't think that's what I meant.

7 Q Did Dan Markel have a hard time understanding some
8 of your mom's behaviors?

9 A I don't remember that.

10 Q well, did she think you incapable of driving to
11 South Florida by yourself with the kids? This is back when
12 they were little.

13 A Yeah. I don't think she thought I was incapable,
14 but I was breastfeeding and it was helpful to have someone
15 with me.

16 Q So what was her practice to avoid you having to do
17 that?

18 A One of my parents would come with me for the long
19 drive.

20 Q So they would rent a car, come up here, ride back
21 with you, and then follow the same procedure to get you home?

22 A They would -- yeah. They would drive with me, if I
23 was down there, and back up and then take the car and go home.

24 Q And did that procedure occur the week before the
25 murder? There was a visit the week before the murder,

1 correct?

2 A I think it was two weeks before.

3 Q Okay. And on that trip, is that how it was handled,
4 where they rented a car and came up to get you?

5 A Yes.

6 Q Did your dad think that was necessary, or was that a
7 mom thing?

8 A No. My dad probably thought it was more necessary.

9 Q Okay. And did your dad make a practice of
10 supporting whatever your mom wanted? Is that kind of the
11 general rule?

12 A Yeah.

13 Q Was she the dominant force in the household?

14 A I mean, I think my dad had more of a quiet strength.
15 So it's hard to say who was the dominant force. I think they
16 were both equally strong in their parenting.

17 Q Did you previously describe this back in 2013, that
18 your mom was the dominant force in the household? If you need
19 to refresh, it's tab 97.

20 A Okay. So this one goes up to 93. Is it --

21 Q Check the very back. I've got a few extras tucked
22 in there. I'll just approach with this copy for you since
23 it's highlighted.

24 A Thank you.

25 Yes.

1 Q You did say Mom was the dominant force in the
2 household?

3 A Yes.

4 Q Did your mom ever try to micromanage your life?

5 A Yes.

6 Q Your career?

7 A I don't know about my career. I chose to be a
8 lawyer. It wasn't a very popular choice in my household.

9 Q Yes. And there were different types of areas of law
10 that she would have preferred you practice. Do you agree with
11 that?

12 A I actually think they were really proud of what I
13 was doing.

14 Q Not to suggest she wasn't proud of you, but she was
15 encouraging you to pursue a different type of law that would
16 be more lucrative. Do you remember that?

17 A I do, yeah.

18 Q And what about your dating life, did she meddle
19 there?

20 A Yes.

21 Q Did she create a dating profile for you on
22 Match.com?

23 A I don't know if it was Match.com, but I do remember
24 a dating profile at some point.

25 Q That she created for you?

1 A I didn't use it, but yes.

2 Q And conducted searches for men in the Miami area and
3 sent them to you?

4 A I think this was when I was living in DC maybe.

5 Q Let's move forward a little bit here. Sorry. We'll
6 get there.

7 So here we have an email dated January 17th, 2013.
8 For the record, this is 64I, and it reads, so, honey, so you
9 think I'm nuts, but when you get a moment, check out some of
10 these whom I've prescreened for you. And these are guys in
11 Miami, right? After all, you are going to be in Miami here
12 and there. Why not see who's out there.

13 Right?

14 A Yes.

15 Q Here's some options that she sent you. Here is an
16 interesting guy, et cetera. Okay. Did you ever feel like
17 your mom was walking all over you?

18 A I don't remember feeling that way.

19 Q Okay. What about specifically regarding this
20 divorce?

21 A I don't -- I mean, I had a really good attorney, and
22 I was making the decisions I wanted to make.

23 Q Okay. And did you back in April of 2013, tell a
24 friend that you were trying to find a way to coexist with your
25 mom that didn't feel like she was trampling your autonomy?

1 A I'm sure I said that in 2013.

2 Q How did your mom feel about Dan Markel in this
3 timeframe, 2012 to 2016?

4 A I think in -- well, I think a lot changed between
5 2012 and 2016. So I think her feelings about him changed over
6 time.

7 Q And what about in 2016, did she hate Dan Markel?

8 A No, not in 2016.

9 Q What about 2014, did she hate him then?

10 A No.

11 Q Did you say in -- do you remember giving a law
12 enforcement interview in reference to this case?

13 A Yes, I remember.

14 Q That was the same day that Mr. Markel was shot,
15 correct?

16 A Yes.

17 Q And did you say in that interview -- the Court and
18 counsel I'm referring to page 288, lines 24 through 289
19 line 1 -- quote, my parents have more reason to dislike Danny
20 than almost anyone else?

21 A At that point I was sitting with law enforcement for
22 six hours, and had just been told that Danny had been shot, so
23 I was in shock. And I was trying to help the police think of
24 anything I could possibly think of that would be helpful.

25 Q And are you suggesting that after six hours, you

1 became fatigued to the point that you started saying things
2 that weren't true?

3 A No, I didn't say anything that wasn't true. I just
4 was in shock. I was just -- I just kept talking and talking
5 and talking.

6 Q When your mom is really upset about something, does
7 she talk about it a lot?

8 A Yes.

9 Q And when she talks about it a lot, and I'm referring
10 you back to this timeframe, does she talk to your brother,
11 Charlie, specifically, a lot?

12 A My mom and Charlie have always talked a lot.

13 Q And was Charlie kind of like your mom's
14 problem-solver?

15 A I don't know about that. I kind of feel like it was
16 where she would help him more throughout childhood and
17 adulthood. She would help him solve problems.

18 Q She definitely did a lot for him, didn't she?

19 A She did.

20 Q She helped him with his business; she helped him
21 with his personal life, his finances, his bills, remember to
22 pay the whatever; she was still, like, mothering him into
23 adulthood, right?

24 A Yes.

25 Q But as far as meddling in your life, did your mom

1 feel that Charlie could make more progress with you than she
2 could on items like who you were going to date?

3 A I honestly -- I would just be guessing about that.

4 Q At the time of Dan Markel's murder, was the
5 Defendant, your mother, very angry at Dan Markel?

6 A Before he died?

7 Q Yes, ma'am.

8 A Yes.

9 Q And you hated him, too, right?

10 A At certain points, I was very frustrated with him.

11 Q Did you refer to him as an STD?

12 A I don't remember saying that.

13 Q Tab five.

14 A Looks like I made that analogy.

15 Q Danny is an STD, one wrong mistake, marrying him,
16 and this will never go away; is that what you said?

17 A I did.

18 Q And did you share that kind of sentiment with your
19 mother?

20 A I don't remember ever saying that, so I don't think
21 it's something I said very often.

22 Q And this was said in an email on February 26th of
23 2013, correct?

24 A It was.

25 Q Approximately 17 months before the murder?

1 A Yes. I don't think it was an email, though. It
2 looks like it was sort of an iMessage.

3 Q Did you ever refer to your ex-husband as the Dark
4 Lord?

5 A I don't remember saying that, but I certainly might
6 have.

7 Q Did you refer to your ex-husband as Jibbers?

8 A I did.

9 Q What is the meaning of Jibbers?

10 A Jibbers was just a silly name that a friend helped
11 me come up with to basically make him feel less scary. It was
12 nonsense.

13 Q Did it reference Jew in Boots?

14 A That, I don't remember.

15 Q It wasn't a friendly name, right?

16 A It was a silly name.

17 Q Did you ever say that you hated Dan Markel?

18 A I don't remember saying it, but I certainly could
19 have.

20 Q Tab 31, please, to refresh your memory.

21 A I said that I hate him in this moment.

22 Q Okay. And did you say in that email, that same
23 email, quote, I hate that I hate my children's dad?

24 A I did.

25 Q And do you agree that email was sent approximately

1 15 months before Mr. Markel was murdered?

2 A It was in April of 2013.

3 Q I'm going to approach with what I've marked as 56A,
4 B, C, and 57. I asked you about the Jibbers nickname. Did
5 you have that nickname stored in your cell phone as Dan
6 Markel's contact name?

7 A I did.

8 Q I'm going to approach and show you these exhibits
9 and ask if they're fair and accurate contacts. 56A, who is
10 that a contact for, if you know?

11 A It's my mom's phone number, so that would have
12 been -- that's a picture of B.A. as a little guy and my mom.

13 Q Okay. So fair and accurate contact --

14 A Yes.

15 Q -- from your phone for Mom at that time?

16 A Yes.

17 Q And 56B?

18 A That's my dad.

19 Q And that's his phone number?

20 A It is.

21 Q 56C?

22 A That's my brother.

23 Q Charlie?

24 A Yes.

25 Q Fair and accurate phone number for him at that time?

1 A Yes.

2 Q And then 57, is that the contact you had in there
3 for your ex-husband, Dan Markel?

4 A Yes.

5 MS. CAPPLEMAN: Judge, at this time, I'd ask to move
6 into evidence 56 and 57.

7 THE COURT: Any objection?

8 MS. FULFORD: No objection.

9 THE COURT: State's 56 and 57 are admitted at this
10 time.

11 (State's Exhibit 56 and 57 received in evidence.)

12 BY MS. CAPPLEMAN:

13 Q Did you ever refer to your ex-husband, Dan Markel,
14 as an emotional terrorist?

15 A I very well could have. I don't remember saying
16 that, but I --

17 Q That one's on tab 34.

18 I'm so sorry. Is that -- yes, I believe it is 34.

19 A It is. I see it. I said it in December of 2013.

20 Q Approximately seven months before his murder?

21 A December -- yes, approximately seven months.

22 Q And tab 35, in June of 2014, did you say of your
23 ex-husband, I hate him so?

24 A I don't see it.

25 Q Are you on tab 35?

1 A No. I was on tab 34. It's tab 35?

2 Q Yes.

3 A I did. I did write that.

4 Q And that was approximately three weeks before
5 Mr. Markel was murdered, correct?

6 A Yes.

7 Q Okay. I lost my clicker. Clickers are a real
8 problem for me.

9 Next I want to ask you about Mr. Markel's response
10 to your petition to relocate. Is it fair to say he was
11 adamantly opposed to that motion?

12 A Yes.

13 Q And you-all fought over things large, of course, but
14 also very small. Like in this pleading, a tennis racket is
15 mentioned, right?

16 A Yes.

17 Q And -- oh, jumped ahead on us. Let's go back.

18 In Mr. Markel's response -- for Court and Counsel,
19 this is page 82 of Exhibit 60 -- he indicates, the husband
20 affirmatively alleges that the wife helped herself to
21 nonmarital assets, including money and stocks owned prior to
22 marriage, as well as numerous personal nonmarital belongings
23 of the husband such as luggage, bicycle, tennis racket, and
24 family heirlooms.

25 Did you take those things when you vacated the

1 property?

2 A I did remember taking his tennis racket by accident
3 and I returned that. But otherwise, I didn't take his
4 belongings.

5 Q Did you strategize to leave him in a way that would
6 cause or inflict maximum damage upon him?

7 A No.

8 Q Is that something your mom ever said?

9 A I don't remember.

10 Q Did you discuss with your mom how and when you would
11 leave your marriage?

12 A I did.

13 Q Do you recall an 11 -- November 2nd, 2012 email
14 where Dan Markel was saying to you, let's put all this aside,
15 this is all about the kids, let's act toward each other in a
16 way that they can be proud of? Did he say that to you?

17 A I remember reading an email like that.

18 Q And we talked about the Aqua Ridge apartment, or I
19 guess it was a home, residence. Is this a fair and accurate
20 photo, I have blurred your kids' faces, but of the living
21 space there?

22 A Thank you for doing that. Yes, that's our home.

23 Q And did your mom help you secure this place to live?
24 Did she have any involvement in that?

25 A She did.

1 Q what involvement did she have?

2 A She helped me move in.

3 Q Did she help you locate the place to live?

4 A I think so.

5 Q Did she come up and look at places with you as well?

6 A We did.

7 Q Did Dan Markel threaten you in the pleadings with
8 federal kidnapping charges?

9 A He did.

10 Q And that was associated with the way he claimed that
11 you left the marriage?

12 A Yes.

13 Q And he says you took the kids and did not tell him
14 where they were for several, I think I've seen days and weeks;
15 is that true?

16 A It's true that he said that. It's not true that
17 that's what happened.

18 Q What was his position on your motion to relocate?

19 A We did talk about it before I filed it, and he was
20 amenable to figuring it out. But once I filed it, he was
21 against it.

22 Q Did he allege in his response that the sole stated
23 reason that you wanted to relocate was to be closer to your
24 parents?

25 A He did say that in his response.

1 Q And is that the response that your mom referred to
2 as his 23-page rant?

3 A Probably.

4 Q She had a lot of thoughts about that particular
5 filing, didn't she?

6 A Yes.

7 Q And she laid those out in an email to you -- I know
8 you remember -- that's the whole, your nonnegotiable is
9 relocation?

10 A Yes.

11 Q Do you recall having two long mediations to try to
12 resolve your divorce without a trial?

13 A Yes.

14 Q And were those mediations successful?

15 A They were not.

16 Q Was Mr. Markel seeking to depose your mother as part
17 of the divorce proceedings?

18 A I don't remember that.

19 Q What about your brother, Charlie, did he care about
20 whether you moved to South Florida or not?

21 A I think so. I mean, I think he would have liked for
22 me to be closer to him and have the kids closer to him.

23 Q Would it have been okay with him if you had made a
24 decision to stay in Tallahassee?

25 A I would have imagined so, yes.

1 Q And after the relocation motion was denied, you were
2 kind of like, well, maybe I have to stay in Tallahassee.
3 wasn't there at least a moment of that for you?

4 A I mean, it wasn't maybe. It was that was the
5 Court's decision and I respect the Court's decision and, you
6 know, I make the best of it.

7 Q And what about Charlie? was he outraged by the
8 Court's decision?

9 A I honestly don't remember him being outraged.

10 Q But to your mom, it was a big deal?

11 A My mom was really upset.

12 Q It was described by your mom in several places as
13 like a life-and-death proposition. Do you agree with that?

14 A Yeah, I think my mom thought my life in Tallahassee
15 wasn't -- you know, wasn't good.

16 Q Is it true that you never would have left Dan Markel
17 without your mom's suggestions?

18 MS. FULFORD: Objection, leading.

19 THE COURT: Overruled. She may answer the question
20 based on her own knowledge.

21 THE WITNESS: I would have left Danny regardless of
22 anyone else's input. I was very unhappy.

23 BY MS. CAPPLEMAN:

24 Q Did you ever write that you would have never left
25 him without your mom's suggestions?

1 A I don't remember saying that.

2 Q Please refer to tab 41 and see if it refreshes your
3 memory.

4 A I do say here, I wouldn't have done it on my own.

5 Q Do you specifically reference your mom?

6 A I say my parents and brother's suggestions and
7 support.

8 Q Okay.

9 A Maybe because I wasn't happy, but part of me thought
10 that maybe I would just stay until the kids grew up.

11 Q Just one moment. I've lost my place.

12 All right. I think you already testified you did
13 not offer your mom your divorce petition to edit. Is that
14 your testimony?

15 A Sorry. What's the question?

16 Q Did you send your divorce petition to your mother to
17 assist you in editing it?

18 A I don't remember doing it.

19 Q And did your mom also pretend to be you to Mercer
20 university to help you complete your divorce affidavit?

21 A I have no memory of that.

22 Q Go to the little pop-out here of this email from
23 your mom. Obviously, I pretended to be you contacting these
24 financial institutions.

25 Is that something she would normally do on your

1 behalf, pose as you?

2 A I had very little understanding or involvement of my
3 financial situation and so that might have been an account
4 that my dad had created for me or that had, like, post
5 signatory authority. So that's possible.

6 Q And here did you forward a letter that was written
7 on -- or sent to you on December 19th of 2013 from Dan Markel
8 where he was kind of wanting you back and making a lot of
9 concessions, I'll stop coming home late, et cetera. Do you
10 recall that long email?

11 A I do.

12 Q Did you forward that to your mother?

13 A I very well may have.

14 Q And do you recall she replied with sort of a
15 paragraph-by-paragraph breakdown of that, you know, Dan Markel
16 email?

17 A So I see that here. I mean, I certainly didn't
18 remember, but I see that there's a response here.

19 Q I think I've got her responses. Did you respond to
20 her, very nicely done, mom, this is great?

21 A It looks like I did, yes.

22 Q In her responses -- I guess, they've got a joint
23 email, so how do we know it's mom and not dad? Do we?

24 A I don't.

25 Q Does dad send responses like -- this is all the

1 response. would Harvey detail like that in a response?

2 A No. But it could be that my dad and mom were
3 talking and that she was the scribe, right, that they were --
4 that it reflects both of their thoughts, and that my mom is
5 the one writing it.

6 Q And many of the emails are signed, mom and dad, or
7 they reference, dad and I feel this way. Was it common for
8 your mom to express for the two of them a certain position?

9 A Yes.

10 Q And in this particular email, so this is a little
11 confusing, but she responds paragraph-by-paragraph, you know,
12 K3, K5, K6, referencing Dan Markel's email to you, refuting
13 each paragraph. And she felt that his position was
14 outrageous, right?

15 A Yes.

16 Q And she thought his religious practices were
17 extreme, didn't she?

18 A She did, yes.

19 Q She was extremely concerned about the well-being of
20 the children in reference to his religious practices?

21 A Yes.

22 Q She wanted a psychological evaluation of Mr. Markel?

23 A Yes.

24 Q He didn't need a psychological evaluation, did he?

25 A Honestly, I don't remember.

1 Q Was he an extremely intelligent, accomplished law
2 professor?

3 A Yes.

4 Q Did your mom ever call Dan Markel any disparaging
5 names around this timeframe?

6 A She did.

7 Q Including piece of shit?

8 A Yes.

9 Q Asshole?

10 A Yes.

11 Q A narcissist?

12 A Yes.

13 Q A bully?

14 A Yes.

15 Q A bastard?

16 A Yes.

17 Q Did your mom help you prepare for your meeting with
18 your divorce lawyer?

19 A My mom offered to help, but I don't think I needed
20 help preparing for meetings with my divorce lawyer.

21 Q Who was your divorce lawyer?

22 A Kristin Adamson.

23 Q And your mom in an email dated January 9th, 2013,
24 indicates that she thinks the job opportunities that you had
25 in South Florida was a major bargaining chip in your divorce.

1 Did you agree with that?

2 A Did I agree with it at the time?

3 Q Yes.

4 A I don't remember.

5 Q She did a lot of work, sort of, making arguments to
6 that point, didn't she?

7 A I believe so.

8 Q And did you forward your correspondence with your
9 lawyer to your mother?

10 A I did.

11 Q Publishing 64 -- I'm going to skip to J. She wanted
12 to be kept informed, right?

13 A Yes.

14 Q Your mom mentions -- let me see if I can find it.
15 This is 64G, your South Florida legal team. She will try to
16 remember to discuss things with your South Florida legal team.
17 Who was that?

18 A I think she was jokingly referring to herself.

19 Q Oh, she's the South Florida legal team?

20 A I don't know who else it would have been. I think
21 that's why there is a smiley face. I think it was a joke.

22 Q Okay. More questions for your upcoming hearing with
23 your attorney.

24 Did you forward your mom's questions or ask your
25 mom's questions when you met with your attorney?

1 A Probably not all of them, but if there was something
2 that I thought was useful, I probably forwarded it or had a
3 conversation about it.

4 Q And here you can see in paragraph 2, your mom
5 referred to Dan Markel as Jibbers as well, right?

6 A It was a silly name, yeah.

7 Q Let's go to the order denying your petition to
8 relocate. Was your mom aware that the order was filed?

9 A Yes.

10 Q And this language from the order, denied with
11 prejudice, meaning you can't reraise it, right?

12 A Right. You can't refile.

13 Q And your mom wanted to fight the decision, didn't
14 she?

15 A She did.

16 Q Did you feel railroaded by her in this email where
17 she's kind of bullying you to keep fighting?

18 MS. FULFORD: Objection, Your Honor, the prosecutor
19 is testifying.

20 THE COURT: Sustained. Please rephrase your
21 question.

22 BY MS. CAPPLEMAN:

23 Q Did you feel railroaded by your mother?

24 A No.

25 Q But she wants you to continue to take action?

1 A It was -- it was denied. I wasn't taking any more
2 action.

3 Q Not any more legal action?

4 A I was not taking any more action of any kind.

5 Q Didn't your mom have some other ideas for some other
6 actions that could happen?

7 A She did.

8 Q She wanted -- she did want to take it to an appeal?
9 Do you remember that?

10 A I don't remember, but --

11 Q That's on tab 43 of your binder.

12 A Yes, I see.

13 Q But she also wanted to develop this plan of action
14 that could be implemented between the time you learned of the
15 relocation denial and your final hearing in court, to maybe
16 strongarm Mr. Markel into agreeing to the relocation. Do you
17 remember that email?

18 A Yes.

19 Q And she had some ideas for how to do that, right?

20 A Yes.

21 Q And she said, Jibbers hasn't beaten the Adelson
22 family yet?

23 A Yes.

24 Q So what was her plan of action? what did she
25 suggest you could do to get Dan Markel to relent and let you

1 take his kids to South Florida?

2 A She suggested that I pretend that the boys had
3 become Christian.

4 Q Is that something you would ever consider doing?

5 A No.

6 Q She was going to pay for them to get instruction on
7 the Christian faith, right?

8 A That was what she said.

9 Q And she said she looked into it and she could get
10 them baptized in a couple of weeks. Do you remember that?

11 A I don't remember, but I'm sure it's here.

12 Q Do you remember her imploring you to put on a good
13 act?

14 A I do.

15 Q Did your mom -- do you have any acting training?

16 A No.

17 Q Do you know why your mom would Google how to teach
18 an actress emotion?

19 A I don't. I don't know.

20 Q Did she ever share with you or forward you any tips
21 on how to bring emotion or fake emotion?

22 A Not that I remember of any kind.

23 Q What about a financial offer? Was that part of it
24 as well?

25 A Yes.

1 Q What was the financial offer to be?

2 A I think it was a million dollars.

3 Q Who was going to pay the million dollars?

4 A My mom, my dad, and my brother.

5 Q And they were going to pay a million dollars? You
6 didn't have to pay any of it?

7 A I don't remember having to pay any of it.

8 Q And they were going to give Dan Markel a million
9 dollars for what?

10 A So that I could relocate.

11 Q Did you ever make that offer to Dan Markel?

12 A No.

13 Q To your knowledge, did anyone make it to him?

14 A I don't think so.

15 Q Would it have worked?

16 A I don't think so.

17 Q This is all about getting control from Dan Markel,
18 right?

19 A Yes.

20 Q And you told her this was -- these ideas were crazy,
21 didn't you?

22 A I did.

23 Q I will not be introducing my children to
24 Christianity. I truly believe it will backfire.

25 MS. FULFORD: Object again, Your Honor. The

1 prosecutor is testifying and leading.

2 THE COURT: As to counsel testifying, sustained.

3 Please make sure you're asking open-ended questions to
4 the witness, Ms. Cappleman.

5 MS. CAPPLEMAN: I'm reading from State's Exhibit
6 64B, which is in evidence.

7 THE COURT: Please proceed.

8 BY MS. CAPPLEMAN:

9 Q Did you say it would backfire?

10 A Yes, those were my words.

11 Q And what did you mean by backfire?

12 A I don't remember, but I can read there below what I
13 was saying.

14 Q Did it have to do with, this will give him
15 ammunition to pursue things in court?

16 A I might have meant that at the time.

17 Q Did your mom respect your decision not to use her
18 suggestions?

19 A I mean, she had to have, right? I'm a grownup.

20 Q She kept pushing, though, didn't she?

21 A She was suggesting other ideas.

22 Q January 27th of 2013 email, 64W, Charlie brought up
23 a good point when he said that Americans were dropped behind
24 enemy lines during world war II wearing Nazi uniforms to get
25 what they wanted. They had a job to get done and they did

1 what they needed to do to accomplish it. You have a job to
2 get done and a very short timeframe to accomplish it. If you
3 dressed your kids up in Hitler youth uniforms and brought them
4 down here, I could care less if it was an act of defiance. It
5 would show Jibbers that he's not in control.

6 Did she suggest that to you?

7 A Yes.

8 Q She urged you to rethink your decision not to
9 implement her suggestions, didn't she?

10 A Yes.

11 Q She wanted you to do an act of defiance that will
12 put a scare into this jackass. Why would she want to scare
13 Mr. Markel?

14 A So that he would let me relocate, I guess.

15 Q She says here, I'm still on 64w, I don't know how
16 much of the big picture you're seeing, honey. I don't know if
17 you can realize that not only what you can provide for your
18 boys' life but for your own life all depends on this change.
19 This is a once-in-a-lifetime opportunity.

20 So she did view this as a very serious matter,
21 right?

22 A Yes.

23 Q And she's sending all of this after the relocation
24 is denied, right?

25 A Yes.

1 Q Everyone has a price. Fight for yourself.

2 Okay. I'm showing you this slide, also from
3 Exhibit 64W, which indicates that you were going to go into
4 the million dollar offer as a third. Do you -- does that
5 refresh your memory on that deal?

6 A I mean, it refreshes my memory, but it's not
7 something I ever considered or thought about doing.

8 Q So you would not have paid up the --

9 A No.

10 Q -- third of a million dollars?

11 A No.

12 Q Moving on to 64X. This is an email in which your
13 mom expresses opinions on several items, including the marital
14 home, the parenting schedule, alimony me, child support,
15 health insurance.

16 Did you want her opinion on all these things?

17 A I mean, I don't remember, but I think we always want
18 our parents' opinion on things even if we don't take it.

19 MS. FULFORD: I'm sorry, Your Honor. I can't hear.

20 THE COURT: Please restate your answer.

21 THE WITNESS: Counselor asked me if I wanted my
22 mom's opinions on those things, and it's hard for me to
23 remember at the time if I wanted other opinions. But I
24 said I guess, you know, people always want their parents'
25 opinions on things.

1 BY MS. CAPPLEMAN:

2 Q And your mother's opinion was that she wanted you to
3 aggravate your ex-husband, right?

4 A Yes.

5 Q To screw him financially?

6 A Yes.

7 Q To get a win?

8 A Yes.

9 Q She thought your divorce was something to be won,
10 right?

11 A It seems that way.

12 Q When was the divorce final?

13 A It would have been final the summer of 2013.

14 Q July 31st of '13 sound right?

15 A Yes, ma'am.

16 Q And we saw that that was the date for your trial.
17 Did a trial take place?

18 A Yes.

19 Q With witnesses being called?

20 A No. There weren't any witnesses.

21 Q So it was a settlement?

22 A Yes.

23 Q And did you reach the settlement on the day that the
24 trial was supposed to be conducted?

25 A I think maybe the day before.

1 Q I want to ask you some questions about voice
2 authentication. Your cell phone, was it collected by police
3 in this case?

4 A I gave the police my cell phone to search.

5 Q Let them download it and return it to you, correct?

6 A Yes.

7 Q And are you familiar with a wiretap that was
8 conducted in this case?

9 A I have seen a lot of wires.

10 Q Where phone calls were intercepted by the police and
11 recorded by the police?

12 A Yes.

13 Q And were you asked to listen to a disc of calls to
14 see if you could authenticate the voices on those discs?

15 A Yes.

16 Q And were you able to authenticate some of the voices
17 on there?

18 A I was able to authenticate the voices of my family.

19 Q So Charlie Adelson, Donna Adelson, Harvey Adelson?

20 A Yes, ma'am.

21 Q And did you initial on State's Exhibit 135 by each
22 of those voices that you were able to authenticate?

23 A I did.

24 Q I certainly can't read this, but see if that's where
25 you initialed.

1 A Yes.

2 MS. CAPPLEMAN: Judge, at this time, I would ask to
3 introduce State's Exhibit 135.

4 THE COURT: Any objection?

5 MS. FULFORD: Has it been entered?

6 THE COURT: I'm asking you if there is any objection
7 by the Defense.

8 MS. FULFORD: No objection.

9 THE COURT: State's 135 is entered.

10 (State's Exhibit 135 received in evidence.)

11 BY MS. CAPPLEMAN:

12 Q After the divorce was final, was there any more
13 litigation between you and Dan Markel?

14 A There was.

15 Q And who was the first one to file something after
16 the divorce was final?

17 A I don't remember who was first to file.

18 Q Because you both filed some things afterwards,
19 right?

20 A well, Danny was supposed to pay me for -- the deal
21 with our settlement was I was supposed to take my name off the
22 title to the house, and he was supposed to pay me half the
23 value of the house. So I went the first week and took my name
24 off the title and then just waited. And when I reached out,
25 when it was time for him to pay what he owed, he said, I'm not

1 going to pay it. And I asked why. And he said, I have my
2 reasons.

3 And so my attorney had to file to enforce the
4 settlement agreement because, otherwise, he was going to be
5 held in contempt of court.

6 Q The Court had given him a deadline to make the
7 payment, and he didn't make it?

8 A He didn't make it.

9 Q So you filed a motion to enforce?

10 A The settlement agreement.

11 Q And he filed a counter-motion saying, well, I'm not
12 paying because she is in violation for all these different
13 things. Do you remember that?

14 A I do. And then he accused my attorney of committing
15 a fraud.

16 Q Right. And one of his big complaints was failure to
17 facilitate the communication agreement where, I guess, you-all
18 had some type of agreement to provide Skype calls with the
19 kids to each other when you didn't have the children. Do you
20 remember him complaining about that?

21 A I do. I remember if I was one minute late, he would
22 contact the parenting coordinator and complain that I was in
23 violation.

24 Q That was a pretty regular complaint of his in this
25 era of these filings, wasn't it?

1 A Yes.

2 Q And when he sent an email, for example, 64N,
3 alleging these sorts of violations and including, quote,
4 accusing you and your mother of making zero efforts to
5 facilitate communication between he and the kids, did you
6 forward this email to your mother?

7 A I don't remember if I did or not.

8 Q And during this time period, did Dan Markel send you
9 quite a few emails pleading with you to, play nice? For
10 example, March 7th of 2013, wendi, I really regret that things
11 have gotten to the place where they are. Do you think we
12 could try to resolve more issues directly with each other to
13 prevent so much of the unnecessary tension and cost? Things
14 like that?

15 A Yes.

16 Q Okay. But then you didn't seem to be able to
17 actually play nice with each other, even though it seems like
18 maybe that's what you both wanted, at least at certain points?

19 A I was always trying to play nice.

20 Q well, you were threatening to hold him in contempt
21 of court.

22 A I wasn't threatening to hold him in contempt.
23 That's what my lawyer filed.

24 Q well, your lawyer represents you, doesn't she,
25 Ms. Adelson?

1 A She does, but I wasn't threatening him.

2 Q Did you cease all Skype communication between Dan
3 Markel and the boys on March 12th of 2013?

4 A I don't remember that, no.

5 Q Tab 54, please.

6 A It looks like my attorney advised me to do that.

7 Q Did you cease all Skype conversations between Dan
8 Markel and the boys?

9 A Again, I don't remember, it's been a very long time,
10 but if my attorney advised me to do this, then I probably did
11 it.

12 Q And the day that you filed that motion to enforce
13 the marital settlement agreement and hold Dan Markel in
14 contempt -- let me see if I can find that -- what was the date
15 of that filing?

16 A It looks like it was October 31st, 2013.

17 Q Was that the same date that you backed out of the
18 contract to buy a house here in Tallahassee?

19 A I don't remember if it was the same date, but at
20 that point I didn't have the money I needed to buy the house
21 because Danny didn't pay what he was supposed to.

22 Q Okay. But you don't remember which day you backed
23 out of buying the house?

24 A I don't.

25 Q Could it have been the same day that this was filed,

1 Halloween of '13?

2 A It may have been.

3 Q Okay. And was it Charlie, your brother, who talked
4 you out of buying the house?

5 A No. I didn't have the money to buy the house.

6 Q So you don't remember him discussing that with you?

7 A No.

8 Q And did your mom have a position one way or the
9 other on whether you would buy the house?

10 A I don't remember.

11 Q The image that I just had up there, was this image
12 sent to you on October 31st? How did this get onto your cell
13 phone dated October 31st?

14 A It looks like something my brother would have sent
15 me at some point. I don't remember if it was -- what day it
16 was, but I remember seeing that picture.

17 Q Okay. Do you have any reason to dispute the
18 metadata associated with it on your phone?

19 A No, ma'am.

20 Q And you recognize your brother in this photo?

21 A I do.

22 Q Who's the woman he's pictured with here?

23 A Katie.

24 Q Is that Katherine Magbanua?

25 A Yes.

1 Q So did your brother, at any time, send you this
2 picture -- not at any time. Did your brother, on
3 October 31st, send you this picture and basically tell you not
4 to buy the house because you weren't going to be living in
5 Tallahassee much longer?

6 A I don't remember him ever telling me not to buy the
7 house or that I wasn't going to be living in Tallahassee. I
8 was -- I really wanted to buy that house.

9 Q Do you remember after all the drama with the Skype,
10 asking your mom -- let me see if I can find it here -- to help
11 you work on the Skype thing because it was becoming a real
12 problem between you and Mr. Markel?

13 A I honestly don't remember, but I see this email and
14 I must have sent this.

15 Q And then a few months later, in February of '14, Mr.
16 Markel files a motion to enforce marital settlement agreement,
17 and we touched on that already. That was alleging that you
18 committed fraud on the Court during the original settlement.
19 Remember that?

20 A I do. I remember him saying that my attorney helped
21 perpetrate a fraud.

22 Q He did. He suggested that the Court should send a
23 strong message to you about your malfeasance by awarding him
24 the entirety of the assets that he alleged were undisclosed.
25 Do you remember that?

1 A I do.

2 Q And did your mom view that filing?

3 A I don't remember.

4 Q Isn't that the one she responded to, we need a plan
5 of attack; we need to aggravate him the way he's trying to
6 aggravate you?

7 A I remember we just looked at that. I just didn't
8 remember what it was in response to.

9 Q And did you respond to his allegations?

10 A I --

11 Q In court, in a court filing.

12 A We must have responded in the court filing to that,
13 because if someone accuses you of fraud -- at that point, my
14 attorney had to recuse herself because she had to become a
15 witness in the case and to say that that didn't happen.

16 Q Exactly.

17 A And then I had to find a new attorney to represent
18 me.

19 Q Okay. And did you do a filing in response to his
20 countermotion to enforce the marital settlement agreement
21 alleging -- and this is page 439 for Court and counsel -- that
22 a vast majority of the former husbands's motion contains
23 allegations that are redundant, immaterial, impertinent, and
24 scandalous, that sort of language? Does that sound familiar?

25 A It doesn't actually sound familiar, but I would have

1 responded in a motion, so I'm sure my attorney filed
2 something.

3 Q Did your mom move around this time?

4 A I don't think so.

5 Q Do you remember your parents signing a lease at a
6 place called the Continuum?

7 A My parents were spending some time there on the
8 weekends, but they didn't move until 2015, when I was clerking
9 for a Judge at that time.

10 Q Okay. So they signed a lease to have sort of a
11 weekend property, was that in South Beach?

12 A Yes.

13 Q And that does -- March of '14 sound right for that?

14 A I honestly -- I don't remember when they signed a
15 lease there, but is that -- it's possible.

16 Q Well, when you ultimately left Tallahassee, which
17 we'll get to, did you go to live at the Continuum or Coral
18 Springs, or somewhere else?

19 A In Miami, at the Continuum.

20 Q And do you know why they chose to move into the
21 Continuum? I mean, this is about three, four months before
22 the murder.

23 A My brother had a girlfriend that lived there and he
24 really liked the property. He thought maybe my parents might
25 like to retire there. So he was suggesting that they start

1 trying someplace other than Coral Springs to retire.

2 Q And did your mom add you as a resident to the
3 Continuum on May 16th of 2014?

4 A I don't remember that. But the Continuum, the
5 apartment complex, had very high security. So it may have
6 been if you wanted someone to come and not be considered a
7 guest, they had to be considered a resident.

8 Q Tab 95, please. And the question is, would you have
9 been considered a resident as of May 16th of 2014?

10 A And I don't know. So you want me to see whether, on
11 this document, I was added as a resident?

12 Q Yes, ma'am.

13 A It looks like I was added and my brother were added,
14 and then my other brother was the, in case of emergency. And
15 it was in April of 2014.

16 Q April of 2014? So about three months before the
17 murder?

18 A Yes.

19 Q And this was just so that you could come and go
20 whenever you were visiting?

21 A That was my understanding.

22 Q Do you recall a motion being filed by Dan Markel
23 that we have referred to as the grandma motion?

24 A No.

25 Q Did Dan Markel in March of -- March 26th of 2014,

1 file a motion seeking to preclude your mother from having
2 unsupervised contact with your kids?

3 A I don't remember him filing that motion, but it
4 sounds like if it's a motion you have a name for, then it
5 exists.

6 Q And in that motion, do you recall or does it refresh
7 your memory that he was saying grandma -- you know, the boys
8 were telling him, grandma says you're stupid, grandma says she
9 hates you, and as a result, he was concerned about your mom
10 alienating the kids or turning the kids against him?

11 A I remember hearing about this motion.

12 Q And that is a motion that never got to be heard,
13 right?

14 A That was part of the motion to enforce the
15 settlement agreement?

16 Q which was never heard?

17 A which was never heard.

18 Q Because he was killed?

19 A Because -- yes.

20 Q And do you remember why you didn't forward your mom
21 the actual motion that was filed in reference to that?

22 A I don't.

23 Q Okay. If you will check tab -- see if you can find
24 tab 98 in the back there, please.

25 A I have tab 98.

1 Q Okay. Does it refresh your recollection as to the
2 question, which is, where was your mom on the day that the
3 relocation was filed? which, for your reference, was 3/26/14.

4 A So this email is from 3/25/14, and it looks like my
5 parents were coming up. It says, coming on Thursday, and this
6 was written Tuesday, the 25th. So my guess is that they were
7 coming on Thursday, the 27th.

8 Q And wasn't their practice to typically stop in
9 Orlando and spend the night on the trip up to Tallahassee?

10 A I don't remember.

11 Q The allegations that are laid out in Dan Markel's
12 motion were sent to you in an email before the motion was ever
13 filed. Do you remember that?

14 A I don't remember that, no.

15 Q And publishing 64AA, a December 16th, 2013, email.
16 This email indicates that Dan Markel is going to be
17 introducing a major issue, grandparental alienation. This
18 will be part of our ongoing effort to resolve outstanding
19 issues. But basically the bottom there, B.A. announced to me,
20 Abba -- what does Abba mean?

21 A It's Abba. It means father in Hebrew.

22 Q Father, grandma says you're stupid. Okay. And he
23 details a couple, I think it's three different instances, in
24 which his boys have told him that grandma, your mother, has
25 told them that you're trying to take my sunshines away, she

1 hates you, that sort of thing. Does this refresh your memory
2 at all about those allegations?

3 A It does.

4 Q And this email, you did forward this email to your
5 mother, do you recall that?

6 A I don't recall that, but I -- it makes sense that I
7 would have.

8 Q And your mom responded to it, or someone responded
9 to it, wow. Do you remember that?

10 A I was shown that email yesterday.

11 Q Okay. And you forwarded that email not only to your
12 mom, but to a total of 12 different people. Do you remember
13 that?

14 A I remember being very surprised that he was trying
15 to accuse a member of the Florida Bar of fraud, and going to
16 all of these lengths to avoid paying money that he owed me.

17 Q And is that the reason why you sent it to the 12
18 people?

19 A It was pretty shocking what he was doing.

20 Q Did your mom respond at all to that allegation
21 regarding her alienating the kids?

22 A I don't remember a response other than the one I was
23 shown that said, wow. But I don't know if that was my dad
24 responding or my mom responding.

25 Q But the allegation was in reference to your mom,

1 right?

2 A The allegation was in reference to my mom.

3 Q And, in fact, the next day, because the parenting
4 coordinator was in on the original thread, you forwarded the
5 email a second time to your mom, didn't you, with the
6 parenting coordinator's response? Do you remember that?

7 A I don't remember that, but it makes senses that I
8 would have forwarded it.

9 Q Do you remember just a couple months before the
10 death of Dan Markel saying to a friend of yours -- I think her
11 name is Jane. Does that sound familiar?

12 A I had a friend named Jane.

13 Q Telling Jane, quote, Danny is a monster?

14 MS. FULFORD: I'm going to object. All of these
15 questions are leading, Your Honor.

16 THE COURT: Overruled. The witness may testify
17 based on her memory.

18 THE WITNESS: I don't remember telling Jane that I
19 thought Danny was a monster.

20 BY MS. CAPPLEMAN:

21 Q Was Jane one of the people you forwarded the email
22 to, Dan's email?

23 A I don't remember.

24 Q But it was the same day that you called him a
25 monster. Do you remember that?

1 A I don't.

2 Q I want to talk a little bit about your brother,
3 Charlie.

4 MS. CAPPLEMAN: Judge, I don't know if -- if you're
5 wanting a recess, this is a good time. It's getting a
6 little --

7 THE COURT: Please approach.

8 MS. CAPPLEMAN: -- tedious, I'm sure.

9 (Sidebar conference as follows:)

10 THE COURT: How much longer do you think your direct
11 examination is going to run?

12 MS. CAPPLEMAN: Probably 30 more minutes.

13 THE COURT: All right.

14 MS. FULFORD: And the cross is going to be at least
15 an hour.

16 THE COURT: Then let's go ahead and take a lunch
17 break at this point.

18 MS. CAPPLEMAN: Yes, sir.

19 (Sidebar conference concluded.)

20 THE COURT: All right. Members of the jury, before
21 we continue with the examination of this witness, we are
22 going to have our lunch break at this point. I am going
23 to remind you once again not to discuss this case with
24 each other or anyone else. Also, you are prohibited from
25 looking at any information or reports concerning this

1 case as well.

2 For the lunch of hour, there is a cafe in the
3 courthouse and also some other businesses within close
4 walking distance. If you choose to eat together, you may
5 do so. Again, the only prohibitions are what I
6 previously outlined.

7 Please return at 1:15, and we will continue with the
8 examination of Ms. Adelson by both the State and the
9 Defense at that point. Enjoy your lunch break.

10 The gallery is to remain in the room for right now
11 until the jurors have exited.

12 (Jury exits courtroom.)

13 THE COURT: Everyone can be seated. For the
14 attorneys and the witness, we will have the same report
15 time back, 1:15.

16 Do any matters need to be heard before we go into
17 the break?

18 MS. FULFORD: No, Judge.

19 MS. CAPPLEMAN: Nothing from the State.

20 THE COURT: Very well. Enjoy your break, everyone.

21 (Court in recess.)

22 THE COURT: Everyone can be seated. Are the jurors
23 good to go? Is there anything that we need to address
24 before the jurors reenter the room?

25 MS. FULFORD: No, Judge.

1 MS. CAPPLEMAN: Nothing from the State.

2 THE COURT: Ms. Adelson, if you please can come back
3 and take the witness stand. You can bring in the jurors.

4 (Jury in courtroom.)

5 THE COURT: Everyone can be seated.

6 Ms. Cappleman, you may resume with your examination
7 of the witness.

8 MS. CAPPLEMAN: Thank you, Judge.

9 BY MS. CAPPLEMAN:

10 Q Ms. Adelson, I want to ask you a little bit about
11 your brother, Charlie Adelson. Is he older or younger than
12 you?

13 A I'm the youngest of the three children. So both my
14 brothers are older than me.

15 Q How much older than you is Charlie?

16 A He's two and a half years older.

17 Q And in the timeframe, 2013 to 2014, how much time
18 were you spending with Charlie Adelson?

19 A I don't remember spending a lot of time with him. I
20 was in Tallahassee most of the time and he was in South
21 Florida most of the time.

22 Q Did you speak with Charlie regularly during that
23 time?

24 A We did.

25 Q What type of lifestyle did your brother have around

1 the timeframe 2014 to 2016?

2 A My brother was a single guy. He was dating lots of
3 people. He worked really hard until early in the morning,
4 until late at night, sometimes six or seven days a week.

5 Q worked hard, played hard?

6 A Yeah. I think that was kind of his lifestyle.

7 Q Did he like nice things?

8 A He did.

9 Q Fancy cars?

10 A He liked nice cars. He liked nice food.

11 Q Did you -- during the phone conversations you had
12 with your brother during that time, did you talk much about
13 your marital problems?

14 A To be honest, I don't remember, but I'm sure we
15 talked about it.

16 Q Is it fair to say during the year or so leading up
17 to Mr. Markel's murder, that your brother did not like him?

18 A I think that's fair to say.

19 Q Did your brother joke about hiring a hitman to kill
20 Dan Markel?

21 A He did make that joke.

22 Q what was the joke specifically?

23 A My brother had bought me a TV as a divorce present,
24 and he would make the joke that the TV was cheaper than hiring
25 a hitman.

1 Q Did you ever tell Jeffery Lacasse about that joke?

2 A I may have mentioned that joke to Jeff Lacasse.

3 Q Who is that?

4 A Jeff Lacasse is someone that I dated after Danny and
5 I got divorced.

6 Q Had he met your parents?

7 A I think he may have met them once, but not in any
8 kind of formal way. Just, my parents were visiting and he
9 might have said, hi, something like that.

10 Q Did your parents express any opinion about him,
11 whether they liked him or not?

12 A I don't remember them really taking notice of him.

13 Q Do you remember sending a text back on May 28th of
14 2014, saying, quote, my parents are not into him, referring to
15 Jeff?

16 A I don't remember sending that text.

17 Q On the morning of the murder, did you have an
18 appointment at your residence on Aqua Ridge?

19 A I did.

20 Q What was the nature of that appointment?

21 A I had an appointment with the Geek Squad. There
22 were some vertical lines on the TV. I didn't know if maybe
23 one of my kids had tapped it or touched it, but it wasn't
24 working. And so I had an appointment and they were scheduled
25 to come sometime between 8 and 12.

1 Q And was that the TV that was the same TV that your
2 brother joked he got you as a divorce present --

3 A It was.

4 Q -- because it was cheaper than hiring a hitman?

5 A Yes.

6 Q And on the morning of the murder, did your mom text
7 you about the TV repair guy being on the way or coming to your
8 house?

9 A She did. I didn't buy the TV, and the TV had an
10 insurance policy that came with the Geek Squad help. So I
11 think they reached out to her first, and then she let me know
12 that they were coming.

13 Q The TV was under warranty, right?

14 A I believe so.

15 Q But the damage that you had was not covered by the
16 warranty, was it?

17 A I don't think so.

18 Q Okay. And do you recall how long the TV repairman
19 was at your house?

20 A I don't. It was a reasonable amount of time, so
21 maybe an hour or so.

22 Q And why did it take an hour to determine that the TV
23 couldn't be repaired or was not under warranty?

24 A I don't know. I don't know a lot about TV
25 equipment.

1 Q And the TV repair guy -- well, I guess I should ask,
2 were you upset, crying and upset during the time that the TV
3 repairman was there?

4 A I don't think so.

5 Q were you particularly upset about the TV, the fact
6 that the TV couldn't be repaired?

7 A I don't think so.

8 Q So the TV guy, to your recollection, didn't actually
9 do anything; he didn't fix the TV; didn't take it away; didn't
10 bring you a new one?

11 A No, no. He was trying to fix it. I mean, I think
12 he was trying to assess what the problem was and if it could
13 be fixed, but it wasn't taken away.

14 Q The problem was, like, an impact to the screen,
15 right?

16 A It seemed to be that, yeah.

17 Q Did you go to a dinner after the murder of Dan
18 Markel in which you vomited at the table?

19 A It was -- it was several weeks until I felt ready to
20 leave my apartment. I was very, very scared.

21 Q So you did -- that happened?

22 A It did happen.

23 Q And that was in a restaurant, right?

24 A Uh-huh, it was at a restaurant.

25 Q who was present at that dinner?

1 A It was my brother and me.

2 Q And where was the dinner, South Florida or here?

3 A It was South Florida.

4 Q And you said it was several weeks after the murder?

5 A I believe so.

6 Q Had you ever heard Charlie, your brother, refer to
7 that dinner as a celebratory dinner?

8 A Only in previous trials, but never to me personally.

9 Q Did you hear him say it the night that you had the
10 dinner or after that?

11 A No.

12 Q That you threw up at the celebration?

13 A No.

14 Q Do you know Katherine Magbanua?

15 A I met her on two occasions.

16 Q Do you have an independent friendship with her, or
17 did you just meet her through your brother?

18 A I just met her through my brother.

19 Q Who was she to Charlie?

20 A She was a person that he had dated.

21 Q Was she a serious girlfriend?

22 A I didn't think so.

23 Q Did he have a lot of girlfriends that kind of came
24 and went?

25 A He had a lot of girlfriends, and they all looked

1 somewhat similar.

2 Q I'm going to show you what's --

3 MS. CAPPLEMAN: One moment, Your Honor.

4 BY MS. CAPPLEMAN:

5 Q I'll show you what I've marked as 35. Do you
6 recognize State's 35?

7 A I do.

8 Q How do you recognize it?

9 A This was a visit -- I went to the beach with
10 Katherine and a friend of hers for about an hour.

11 Q Katherine Magbanua?

12 A Yes.

13 Q And was -- when was this photograph taken?

14 A It was Father's Day weekend of June 2014.

15 Q So just about a month before the murder?

16 A Yes.

17 Q And was this the first time you had ever met
18 Katherine Magbanua?

19 A It was the second time. The first time was at a
20 dinner with my brother and with Jeff Lacasse. When I was
21 running an alternative spring break, I came down to visit.

22 Q Is that the dinner at Yardbird?

23 A Yes.

24 Q We'll get to back that to. So this was the second
25 meeting?

1 A Yes.

2 MS. CAPPLEMAN: Judge, move to enter State's Exhibit
3 35.

4 THE COURT: Any objection?

5 MS. FULFORD: No objection.

6 THE COURT: State's 35 is admitted.

7 (State's Exhibit 35 received in evidence.)

8 BY MS. CAPPLEMAN:

9 Q Publishing State's 35. Which one is Katherine
10 Magbanua?

11 A On the left with the white top.

12 Q And that's you in the center there?

13 A That's me in the middle.

14 Q And this photograph, was it taken near your parents'
15 residence in South Beach?

16 A It was. Uh-huh. Very close.

17 Q During that trip, were there any conversations with
18 Katherine Magbanua or your brother or your mother about the
19 murder?

20 A No.

21 Q Is Katherine Magbanua the girlfriend that your
22 brother had in this timeframe leading up to the murder?

23 A I believe so, but he had multiple girlfriends. So I
24 don't know if she was the only one.

25 Q Okay. But that's definitely the one that you

1 interacted with the month before?

2 A Yes, ma'am.

3 Q Did anything stand out to you about this particular
4 girl as being, you know, the one or special or different from
5 the parade of girlfriends that Charlie had?

6 A No.

7 Q Did your brother have girlfriends after this woman,
8 Magbanua?

9 A Yes.

10 Q Including -- do you remember a Whitney?

11 A I do remember Whitney.

12 Q And then there was June Umchinda?

13 A Yes, I remember June.

14 Q A June Coe (phonetic), I think?

15 A I remember a June Coe.

16 Q Prior to Dan Markel's murder, was this image taken
17 at your last -- your trip to South Beach that was most recent
18 before the murder?

19 A No.

20 Q So you went down another time between this trip and
21 the murder?

22 A I did. I went down for my dad's birthday.

23 Q And when was that?

24 A It would have been -- his birthday was on July 5th.
25 And so I was down -- I don't remember the exact amount of

1 time, but maybe seven or ten days, over July 4th and for his
2 birthday, and then went back to Tallahassee.

3 Q Did you run into Katherine Magbanua at all on that
4 trip?

5 A I don't think so.

6 Q Any discussion with any members of your family about
7 the murder on that trip?

8 A No.

9 Q It was your dad's 70th birthday, right?

10 A It was.

11 Q And was there a party?

12 A We had a party.

13 Q Was that friends, family, both?

14 A Uh-huh. It was friends and family.

15 Q And I think -- is this the trip that we were talking
16 about earlier where your parents had come to Tallahassee to
17 get you and take you down south?

18 A Yes.

19 Q Was there any discussion on that trip about any
20 other relocation strategies?

21 A I don't have any memory of that.

22 Q Like bribing, converting to Christianity, any of
23 those things?

24 A It had been, I think, about a year since.

25 Q Since those were first broached?

1 A Right. But I'm just saying, by that time, it was
2 the summer of 2014, and I just -- I don't remember any kind of
3 conversation like that.

4 Q Was there any discussion on that trip of the pending
5 motion that included precluding your mom from having
6 unsupervised visits with your boys?

7 A No.

8 Q Do you remember the timeframe that the repairman was
9 at your house on the morning of the murder?

10 A I remember more or less. I feel like he came -- I
11 think it was -- he was supposed to come sometime between 8 and
12 12, and he came on the early side because I just remember
13 being surprised and trying to get dressed really fast.

14 Q And Dan Markel was killed between 8 and 12, right?
15 we know that now?

16 A He was.

17 Q Who paid the repairman who came to your house?

18 A I think he was under contract, so I don't have a
19 strong memory of that, but I don't remember paying him. It's
20 possible that I did.

21 Q I'm going to ask you a few more questions about
22 Mr. Lacasse. You said you might have mentioned the joke to
23 him about, TV is cheaper than a hitman.

24 Did you ever use the term, TV, as code for the
25 murder in any context?

1 A No.

2 Q Did you ever hear your mom do that, other than the
3 recordings in this case?

4 A No.

5 Q So she didn't talk to you about, the TV?

6 A No.

7 Q Did you see Mr. Lacasse -- and you said that was
8 somebody that you had been dating around the time of the
9 murder; is that right?

10 A We had broken up just before that week that Danny
11 was killed.

12 Q All right. Did you have an occasion to see him on
13 July 13th of 2014, so just about a week before the murder, at
14 your residence?

15 A I don't remember --

16 Q Do you remember that?

17 A -- him being at my residence, but I do remember
18 seeing him around that time.

19 Q And on July 13th, 2014, do you remember asking to
20 share something in confidence with Mr. Lacasse?

21 A I don't remember doing that.

22 Q Did you tell Mr. Lacasse -- in the context of, if
23 something were to happen to Danny, I could move back to Miami?
24 Did you tell Lacasse that regarding the relocation battle in
25 the summer of 2013, Charlie had seriously, not as a joke,

1 explored all options to resolve the problem, including hiring
2 a hitman?

3 A I did not have that conversation with Jeff Lacasse.

4 Q And I think you said the week before, but wasn't it
5 actually about -- I think it was four days before the murder,
6 you sent an email to Mr. Lacasse. Do you remember that email,
7 bump in the road?

8 A I remember telling him I didn't want to have contact
9 with him anymore. I don't remember exactly what date I sent
10 it. But whatever date Sunday or Monday of that week would be
11 would have been around when I sent it.

12 Q Does this refresh your memory at all?

13 A It does.

14 Q And so you weren't officially breaking up with him
15 so much as asking for a certain period of time without
16 contact; is that right?

17 A That sounds right.

18 Q And then your plan was to reach back out to him and
19 figure things out one way or the other?

20 A I mean, I think I was breaking up with him, but I
21 have a strong aversion to conflict. So this was probably my
22 way of breaking up with him without breaking up with him.

23 Q Okay. And I want to go back to the day of the
24 murder. We know the TV repairman left about, did you say
25 about 9?

1 A The truth is, I don't really remember, but, you
2 know, something like 9 or 10.

3 Q Definitely before 10, or by 10?

4 A Yes. That's my best memory.

5 Q All right. Where did you go after the TV -- where
6 was the next place you went after the TV repairman left?

7 A So I was home, I think, for a couple of hours first.
8 I was doing a little bit of work. I was talking to some
9 friends. I think I ate breakfast. And then I left probably
10 close to noon or a little bit after noon. I was meeting two
11 friends who I would frequently meet on a Friday to have lunch
12 with. And so I went to run a few quick errands and then meet
13 them for lunch.

14 Q And on your way to meet the friends, did you have an
15 occasion to go down Trescott?

16 A I was trying to turn down Trescott, that's where I
17 used to turn and take -- just is the road I was used to, but
18 there was yellow tape up. And so when I tried to turn, I
19 couldn't turn. So I made a three-point turn and kept going on
20 Centerville.

21 Q And so you encountered a police roadblock at that
22 location?

23 A Yes.

24 Q Couldn't go any further because there was a police
25 car and some yellow tape, right?

1 A Right.

2 Q And you were able to see that from the intersection
3 there, or you actually turned onto Trescott?

4 A I tried to turn, and then I couldn't go through, so
5 I turned around and kept going.

6 Q How far down Trescott did you proceed before you
7 turned around?

8 A Just until the tape.

9 Q Which one of you or your ex-husband had the kids the
10 night before he was killed?

11 A The night before, they were with Danny.

12 Q So it was his responsibility to take them to
13 preschool that morning?

14 A Yes.

15 Q Who was supposed to pick them up from preschool that
16 day?

17 A I was supposed to pick them up.

18 Q Had you talked to Dan Markel or your children that
19 morning before you encountered the roadblock?

20 A I hadn't talked to the boys because they would have
21 -- it would have been -- I wouldn't have talked to them. You
22 know, they didn't have cell phones. They were little. So I
23 only would have spoken to them if I had gone to the preschool
24 and seen them, but I didn't do that. So I hadn't talked to
25 the boys.

1 I'm sorry, what was the second part of your
2 question?

3 Q How about Dan, did you speak to him that morning?

4 A We didn't. We had plans to talk. We had traded
5 some text messages and emails. And then I called him and he
6 didn't pick up. And that was the last contact.

7 Q Did you attempt to call Dan Markel when you
8 encountered the roadblock?

9 A No.

10 Q Did you attempt to call your kids' daycare after
11 encountering the roadblock?

12 A No.

13 Q Did you notify anyone that you observed the
14 roadblock?

15 A I was talking on the phone at the time, so I may
16 have said to the person I was talking to, oh, I tried to --
17 I'm trying to drive, but I have to turn around, hold on.

18 Q That was probably a bad question. Did you attempt
19 to investigate in any way or ask anyone what the roadblock was
20 about?

21 A I wasn't concerned about the roadblock.

22 Q Was Mr. Markel scheduled to leave town the day after
23 he was killed?

24 A I don't remember if he was scheduled to leave town
25 on Friday afternoon or on Saturday morning, but I know that he

1 would go to New York every time he had a chance, and I think
2 that was where he was going. But I don't know when he was
3 leaving.

4 Q Okay. If you will take a look at, not the binder we
5 have been using, but the other binder. It should have your
6 law enforcement interview in the front.

7 A Okay.

8 Q And I would just ask you to review page 159, lines
9 10 and 11. I think it's the very -- are you able to find it?

10 A He had -- uh-huh. He had plans to be out of town.
11 He was leaving on Saturday.

12 So it looks like I knew that he was leaving
13 Saturday.

14 Q And you knew he was planning to go to New York?

15 A Yes.

16 Q Do you know how -- if the killers knew that he was
17 leaving town the next day, do you know how that information
18 got to them?

19 A I don't.

20 Q Did your brother, Charlie, know that information --

21 A I don't know --

22 Q -- to your knowledge?

23 A I don't know if he knew that information.

24 Q Did your mother know that information?

25 A My mom usually knew our schedule, so she probably

1 would have known that I was going to have the boys. I don't
2 know if that means she knew he was going to be out of town,
3 but she would have known that I had the boys.

4 Q Didn't your mom keep meticulous track of every time
5 that Dan went out of town?

6 A Maybe just in the sense that if Danny was out of
7 town, she thought maybe I needed extra help or something, so,
8 yes, probably.

9 Q And when that became an issue in the divorce, she
10 was able to send you a record going all the way back to 2010,
11 you know, a couple years, of every single date he was out of
12 town. Do you remember that email?

13 A My mom never switched over to, like, a Google
14 calendar. So she would keep very meticulous -- like a
15 calendar of all the things she had to do, and so that was just
16 her way of keeping track of everything. Not just this, but,
17 you know, every part of life.

18 Q She was very detail-oriented?

19 A Yes.

20 Q Even regarding things that aren't necessarily her
21 business, or do you think that Dan's travel plans were somehow
22 her business?

23 A I think only to the extent that it impacted whether
24 I had the boys or whether they were coming to visit or what
25 that looked like.

1 Q Did Mr. Markel leave you a message on the morning of
2 his murder?

3 A He did.

4 Q And did he indicate on that message that he was
5 going to the gym that morning?

6 A He did.

7 Q And specifically to tell you that he would be at the
8 gym between 9:15 and 10:30?

9 A I don't remember, but that sounds about right.

10 Q And was -- would he have given you that much detail
11 because you were planning to try to touch base to talk, right?

12 A Yeah, we were trying to have a conversation.

13 Q And was the conversation something about one of the
14 children's schooling?

15 A It was.

16 Q Did you talk to your brother, Charlie, on the
17 morning of the murder?

18 A I did.

19 Q And does an 18-minute conversation at 9:30 a.m. that
20 day sound correct?

21 A It does.

22 Q Do you remember the nature of that conversation?

23 A I do. I didn't purchase the TV so I didn't know how
24 much the TV cost, and so I called him to find out if it made
25 more sense to get the TV repaired or buy a new TV because I

1 didn't know what the delta was there.

2 Q Can you tell the jury one way or the other for sure
3 whether you mentioned Dan Markel's travel plans to Charlie
4 during that 18-minute phone call?

5 A I can't say for sure, but I don't see why I would
6 have brought it up.

7 Q Did you have whatsapp on your phone at that time?

8 A I did.

9 Q What is whatsapp?

10 A whatsapp is -- it's a phone service. It's an app
11 that I use when I talk to people who live in other countries.
12 It's become very popular. I think I had it at the time. I
13 know I certainly have it now. But it's a device to send
14 messages.

15 Q During the timeframe that we're talking about, which
16 is around the time of the murder, did you communicate with any
17 of your family members through whatsapp?

18 A I don't remember using whatsapp unless they were
19 traveling internationally because it's a way of making free
20 calls or free texts when, at that time, making long distance
21 calls on a regular phone would have been very expensive.

22 Q Did you ever communicate with Katherine Magbanua
23 through whatsapp?

24 A I don't remember texting her on any platform.

25 Q Did you have any other encrypted platforms on your

1 phone at that time?

2 A At that time, I don't think so. I don't know what
3 existed at that time.

4 Q Okay. So when you -- after you turned around and
5 did not proceed down Trescott, you went, I think, to the
6 liquor store. Can you tell us about that?

7 A Sure. I was invited to a stock-the-bar party for
8 that night for a friend's daughter, and so they asked for a
9 specific type of bourbon. I'm not a bourbon drinker, so I
10 went to the liquor store and told them. I showed them the
11 invitation, which was shaped like the kind of bourbon they
12 wanted us to buy, and asked if they had that, and they did,
13 and I bought it.

14 Q And that type of bourbon was Bulleit bourbon?

15 A That's right.

16 Q And do you recall the time of that purchase?

17 A I don't, but I see a receipt here at 12:49.

18 Q And does that fit with your memory? You left the
19 house around, you said, after noon, proceeded to the scene,
20 encountered the tape, and then went to the liquor store,
21 right?

22 A I proceeded to drive to the liquor store. I saw
23 tape and turned around. And then I bought the bourbon that
24 they asked for at 12:49. And then I may have gotten gas after
25 that. And then I drove to lunch.

1 Q And lunch was where law enforcement came and
2 encountered you?

3 A That's right.

4 Q And that's where you were having lunch with a couple
5 of friends?

6 A That's right.

7 Q Did you relocate to South Florida after Mr. Markel's
8 death?

9 A I -- in terms of relocation, I did leave Tallahassee
10 after the funeral, but I just took -- I took a weekender for
11 both the boys and me and thought I would be back pretty
12 quickly.

13 Q Did you come back?

14 A I did come back a few times.

15 Q Just to get things though, right?

16 A Not really to get things. I came back a couple of
17 times to give a talk or to do some work, but --

18 Q Okay. But what I'm interested in is where were you
19 living after the murder?

20 A I wasn't living in Tallahassee.

21 Q Did you recall on the trip to South Florida, just
22 within 48 hours of the shooting, getting a call from Craig
23 Isom?

24 A Yes.

25 Q And what happened with that call?

1 A I talked to him for awhile. He mentioned that he
2 might want to have DNA samples of the kids. We were already
3 halfway down. We had been in the car for about four hours
4 with the boys and --

5 Q who is the, we, in that sentence?

6 A I was with my parents and the kids.

7 Q Yep.

8 A We talked, the call broke up, and he never followed
9 up.

10 Q was it like a, (demonstrative sound) you're breaking
11 up?

12 A I told him I was having a hard time hearing.

13 Q were you faking that, or was it really breaking up?

14 A I was not faking that.

15 Q And did you send your lawyer to him after that,
16 shortly after that?

17 A I told him he could talk to my lawyer. He never
18 followed up.

19 Q were you happy to be out of Tallahassee when you
20 were able to return to South Florida?

21 A No, I was not happy.

22 Q Did you send a text message on January 1st of 2016
23 that is contrary to that?

24 A At that point, it would have been a year and a half
25 after I had been living somewhere else, so I don't know what

1 text message you're referring to, but --

2 Q But at that point you were happy to be out of
3 Tallahassee?

4 A It's not a question of happy to be out of
5 Tallahassee. I was trying to build a new life for myself.
6 And I didn't feel safe here anymore.

7 Q All right. Let's take a look at tab 96, please.

8 A Ninety-six in the old one or the new one?

9 Q The old one, please.

10 A Okay. I see it. But it says, unknown, so I don't
11 know who I'm talking to.

12 Q Well, that's not the question. The question is, did
13 you say, so happy I don't live there, and the person says, I
14 bet, it's a shithole? Remember that?

15 A I don't remember this, no. But I do see that I said
16 it. I don't know who I am talking to here.

17 Q Would it surprise you to learn that you were
18 speaking to your brother, Charlie Adelson?

19 A I don't know if it would surprise me, so, no.

20 MS. CAPPLEMAN: Judge, may we approach at this time?

21 THE COURT: You may.

22 (Sidebar conference as follows:)

23 THE COURT: Go ahead.

24 MS. CAPPLEMAN: Judge, I am asking at this time
25 based on Your Honor's motion in limine to have permission

1 to inquire about the name change of the kids. The
2 exhibits are already in evidence that directly tie this
3 issue to the Defendant, Donna Adelson, her use of the
4 names Adelson for these kids, both before the murder and
5 after the murder, but before the legal name change. So I
6 think it's relevant to go to motive, that they wanted to
7 erase the father and supplant these kids' identity with
8 Adelson as opposed to Markel.

9 THE COURT: Any response?

10 MS. FULFORD: What emails are you referring to?

11 MS. CAPPLEMAN: There's three emails, Judge, that I
12 provided to Your Honor and the Defense in a pretrial
13 hearing. The first has to do with a party invitation for
14 Harvey's birthday party. It's addressed to Wendi, B.A.,
15 and L.A. The second is Donna signing up one of the
16 children for flag football. And the third is Donna
17 Adelson signing up one of the children for some religious
18 service. All three she refers to the children's last
19 name as Adelson.

20 THE COURT: Those are the ones?

21 MS. CAPPLEMAN: Yes, sir, and they are in evidence.

22 THE COURT: These were entered into evidence as
23 State's 64, correct?

24 MS. CAPPLEMAN: Yes, Your Honor.

25 THE COURT: All right. Concerning that, the context

1 cannot be misrepresented in any way, but you may inquire
2 into. As far as cross-examination on this, certainly the
3 Defense is entitled to clear up any context or issue that
4 is raised by these three documents.

5 (Sidebar conference concluded.)

6 THE COURT: You may continue with your examination.

7 BY MS. CAPPLEMAN:

8 Q Ma'am, did you change your children's names after
9 Dan Markel was killed?

10 A About a year after I did.

11 Q In what way did you change their names?

12 A I changed their last name. And I changed my older
13 son's middle name.

14 Q And you changed their last name from Markel to what?

15 A To mine.

16 Q Adelson?

17 A Uh-huh.

18 Q I'm going to start by asking you about this email
19 dated July 3, 2014. What is this?

20 A This is the -- it looks like an electronic
21 invitation for my dad's 70th birthday.

22 Q An Evite, right?

23 A Yes.

24 Q And who sent the invitation to you?

25 A Well, it looks like it's through the postmark.

1 Q I mean, who sent the party invitations out?

2 A I don't remember if I helped with the Evite or if my
3 mom did it. So I don't know if I sent it to myself or if it's
4 from my mom.

5 Q would you have sent it to yourself?

6 A I'm a little better with tech stuff than my parents,
7 so I might have helped them put together an Evite. I don't
8 remember.

9 Q who does it say is the host of the party?

10 A Oh, my mom is the host. I just -- you asked who
11 sent the email, and I didn't remember. But my mom is the host
12 of the party for my dad.

13 Q And to whom is the party invitation sent?

14 A It's sent to me and my two children.

15 Q Okay. And this was sent on July 3, 2014, before the
16 murder, correct?

17 A Yes.

18 Q And then back up just a little bit here. This
19 email, do you recognize this one? Are you able to read it
20 okay on your screen?

21 A I can read it okay.

22 Q All right. who sent this email?

23 A This is from -- it says my mom, but it says Harvey
24 Adelson. So, again, I don't know which parent it's from.

25 Q would -- if it was from Harvey Adelson, would he

1 say, L.A. is going to be attending Shabbat with his grandpa,
2 Harvey Adelson?

3 A I mean, it seems more likely somebody else would
4 have written, with his grandpa, but I don't know. I kind of
5 write those things sometimes, like, L.A. will attend something
6 with his mom, and say my name. I know it's awkward to say it
7 in the third person, but I don't think it's impossible.

8 Q Okay. But this reference to L.A. did happen prior
9 to the legal name change?

10 A Yes. No, I -- from the beginning, I was scared when
11 I put them in school, and so I didn't legally change their
12 name until a year after. But I was socially using my name for
13 them.

14 Q And did that start as soon as their dad was killed?

15 A No. It started when I had to register them for
16 school.

17 Q And your mom helped with the registrations as well,
18 didn't she?

19 A I think I did the registrations myself.

20 Q What about here for flag football, did your mom
21 assist with that?

22 A It looks like she did. There were some after-school
23 activities.

24 Q And she registered your child under the last name
25 Adelson, right?

1 A Yes.

2 Q Where was Dan Markel buried?

3 A In Toronto.

4 Q Were you or your children in attendance at his
5 funeral?

6 A No.

7 Q When was the last time you spoke to your mother,
8 Donna Adelson, as we sit here today?

9 A November of 2023.

10 Q Okay. And so she hasn't given you any information
11 or advice about how to testify in court, has she?

12 A No.

13 Q What about -- you did offer testimony in November of
14 2023 as well, right, an unrelated case?

15 A Yes, October.

16 Q And did your mom, when you spoke to her in November
17 of 2023, offer you any advice or thoughts about how you should
18 act or behave or what you should say in court?

19 A Yes.

20 Q She did?

21 A She did.

22 Q And what was that?

23 A I can't tell you I remember exactly, but she was
24 hoping I would be supportive of my brother.

25 Q Okay. And did she -- do you know what her thoughts

1 were afterwards?

2 A I do.

3 Q And what were they?

4 A She was devastated.

5 Q She didn't feel you were supportive?

6 A No.

7 Q Were you in any way involved in the plot to kill
8 your ex-husband?

9 A No.

10 Q Did you maybe know it was going to happen, but not
11 know the details?

12 A I did not know it was going to happen, and I did not
13 know any details.

14 Q Did you provide any information, even unknowingly in
15 hindsight, that you think could have been used to assist the
16 murderers?

17 A I don't think so. I didn't provide any information.

18 Q What information do you have regarding your mother's
19 involvement in the plot to kill your ex-husband?

20 A I don't have information.

21 Q But you do admit that your brother said he looked
22 into hiring a hitman to kill Dan Markel?

23 A I don't. I admit that my brother made a tasteless
24 joke repeatedly about buying me a TV because it was cheaper
25 than hiring a hitman.

1 Q But then someone did hire a hitman who did kill Dan
2 Markel, right?

3 A Yes, that happened.

4 Q Was part of the plot to kill your ex for you to have
5 plausible deniability or to know very little about it?

6 A I was not involved in any plot to kill Danny.

7 Q Were you shielded from the plot because, I don't
8 know, you couldn't be trusted to keep a secret?

9 A I was not involved in any plot to kill Danny.

10 Q Why did you tell Investigator Isom in your law
11 enforcement interview that you were worried the police -- or
12 you were worried, I guess, in the police car on the way to be
13 interviewed that you might be considered a suspect?

14 A Because I couldn't think of anything bad going on in
15 his life other than the divorce, and frequently the ex-wife is
16 a suspect.

17 Q Were you treated as a suspect?

18 A I was not.

19 Q But you mentioned nine times in your law enforcement
20 interview being a suspect, didn't you?

21 A I did, yes.

22 Q When you were approached at the restaurant, you
23 weren't yet told that this was a shooting, were you?

24 A I was not.

25 Q You were only told something happened with your

1 ex-husband?

2 A I don't even know if I was told that. I was very
3 scared something happened to my kids and that's why law
4 enforcement was there. And they wouldn't tell me what was
5 going on.

6 Q But they did reassure you that the kids were fine?

7 A They told me that law enforcement officers were with
8 the children, which terrified me, because I didn't know why my
9 children would need law enforcement officers.

10 Q So you didn't know what this was about at all when
11 you were in the police car?

12 A In the car, they told me.

13 Q Okay. In the car, they told you what?

14 A They said, your ex-husband has been shot.

15 Q So that -- you learned that information prior to
16 getting into the interview room?

17 A Yes.

18 Q Do you remember allowing law enforcement to take
19 possession of your computer in that interview?

20 A I told law enforcement to search my phone; search my
21 computer; search my house; search my car. I was trying to be
22 helpful.

23 Q Do you remember saying that it was okay for them to
24 take the computer and keep it even though you had work things
25 on there because you didn't think you would be going back to

1 work?

2 A I remember thinking it wasn't important. I couldn't
3 imagine. My life fell apart.

4 Q But you didn't go back to work, did you, at FSU?

5 A I did actually go back, not physically present, but
6 I was still on the FSU payroll until December of that year.

7 Q In that interview with law enforcement, did you
8 suggest that your parents are people who may have been angry
9 enough to kill Dan Markel?

10 A I suggested a lot of people who could have been
11 angry enough to kill Danny.

12 Q And were some of the people, my parents?

13 A Yes.

14 Q But you said in the interview that you didn't think
15 they were capable of it, didn't you?

16 A I did.

17 Q If your mom wasn't capable of it, did she have
18 anyone that she could enlist to assist her?

19 A I don't know.

20 Q What was your first thought when you were asked if
21 anyone might have murdered Dan Markel for your benefit?

22 A I thought maybe a crazed friend or a former student.

23 Q That's not what you said, though, is it?

24 A I don't remember exactly what I said first.

25 Q You said Charlie, right?

1 A If that's what I said, then you have it there. But
2 I don't remember who I listed first.

3 Q Okay. Can you at least tell the jury you definitely
4 did say Charlie as one of those people?

5 A I did.

6 Q Do you remember saying if somebody tried to kill my
7 ex-husband, they should be prosecuted to the full extent of
8 the law?

9 A Yes.

10 Q And Isom says, regardless of who it is, and do you
11 recall your answer?

12 A I do recall my answer.

13 Q What was that?

14 A I think I was hoping it wasn't anyone in my family,
15 and so that idea that it was someone in my family gave me
16 pause.

17 Q All right. But that wasn't your answer, was it?

18 A I mean, I don't remember word-for-word what I said,
19 but that was my sentiment at the time.

20 Q Was your answer -- for Court and counsel, this is
21 law enforcement interview page 122, lines 7 through 12 -- if
22 somebody tried to kill my ex-husband, they should be
23 prosecuted to the full extent of the law? Question:
24 Regardless of who it is? Answer: I mean, it would be
25 different if I thought it were my brother.

1 Did you call your mom from the interview room at
2 Tallahassee Police Department?

3 A I did.

4 Q And did she answer the phone?

5 A She did.

6 Q When she answered, did she advise you that your dad
7 was in the shower?

8 A I don't remember whether my dad was in the shower.

9 Q You asked her to sit down; do you remember that?

10 A I do.

11 Q And by asking her to sit down, would that signify to
12 her that this was going to be something serious you were going
13 to reveal or say?

14 A I was concerned about her age, and if she were
15 standing, that she could, you know, hurt herself if she fell
16 down.

17 Q And do you recall that she at that point asked if
18 she could put you on speakerphone?

19 A I don't remember, but that sounds plausible.

20 Q What was the purpose of putting the phone on
21 speaker, if you know?

22 A I would be guessing, but so my dad could hear, too.

23 Q But wasn't dad in the shower, or you don't remember
24 that part?

25 A I don't remember if my dad was in the shower.

1 Q Was anyone else there, to your knowledge?

2 A I don't think so.

3 Q Was Charlie there, to your knowledge?

4 A I don't think so.

5 Q Did you ask your mom in that telephone conversation
6 to tell Charlie what was going on?

7 A I think I did. I didn't want to make any more phone
8 calls.

9 Q And your mom took the news pretty well, didn't she,
10 this phone call?

11 A I wouldn't say she took the news well. I think she
12 was upset.

13 Q Did you say something different in your law
14 enforcement interview after you got off the phone with her?

15 A I don't think I did. I don't think I said something
16 like that.

17 Q Didn't you say, page 265, line 5 through 6, quote,
18 my mom handled that pretty well?

19 A I may have said that. I can check it. Can you tell
20 me the line again?

21 Q Yes, ma'am. Page 265, line 5 and 6.

22 A Yes, that's what I said.

23 Q And then page 280, line 22 and 23, did you also say,
24 well, my parents sounded really surprised, so that's at least
25 a relief?

1 A Yes, I see that here.

2 MS. CAPPLEMAN: No further questions.

3 THE COURT: Cross-examination?

4 MS. FULFORD: One moment, Your Honor.

5 CROSS-EXAMINATION

6 BY MS. FULFORD:

7 Q Good afternoon, ma'am.

8 A Good afternoon.

9 Q I represent your mother in this case. You've never
10 spoken to me about this case, correct?

11 A I have not.

12 Q I guess the best place to start is where you left
13 off with respect to the comments that you made regarding your
14 mother taking it well. When is the last time you listened to
15 that call?

16 A I haven't listened to it -- listened to the call I
17 had with my mom. I have never listened to it.

18 Q Well, from the interview room, you have never
19 listened to your interview?

20 A I have read the transcript of my interview, but I
21 never listened to my interview.

22 Q You don't recall the shock in your mother's voice
23 when you told her what had happened?

24 A I didn't think she was shocked.

25 Q You could hear that over the phone, correct?

1 A Yes.

2 Q So many topics were covered, I'm going to have to
3 kind of skip around. Okay?

4 Katie Magbanua, Katherine Magbanua -- I guess people
5 call her Katie -- there was a picture of you with her at the
6 beach and there was another young lady there. Do you recall
7 that?

8 A I recall the picture, yes.

9 Q And that was Father's Day weekend, I guess, of 2014?

10 A Yes, ma'am.

11 Q And I think your testimony was that really you only
12 knew her with Charlie; is that right?

13 A That's right.

14 Q Was Charlie at the beach?

15 A No.

16 Q Your mother wasn't there either, was she?

17 A No.

18 Q And then I think you mentioned that you had had a
19 dinner with Katie?

20 A And my brother.

21 Q Okay. Was that before you went to the beach?

22 A It was a different time.

23 Q Do you recall if it was before then?

24 A It was before, but several months before.

25 Q Several months before?

1 A Uh-huh.

2 Q So if this was Father's Day, when do you think you
3 actually met her for the first time?

4 A I think I met her when I was doing the alternative
5 spring break, so that's usually March or April.

6 Q Same year?

7 A Same year.

8 Q And the dinner that was mentioned, is that the first
9 place you ever met her?

10 A That's the first place I remember meeting her.

11 Q And who all was there?

12 A It was my brother and Katie, and Jeff and I.

13 Q Mr. Lacasse?

14 A Jeff Lacasse.

15 Q I'm sorry. How do you pronounce it?

16 A Lacasse.

17 Q Lacasse. Okay. So the four of you were there.
18 Your mother was not there?

19 A No.

20 Q I want you to -- it's been 11 years, so a lot, I'm
21 sure, has happened to you in the past 11 years; is that fair
22 to say?

23 A Yes.

24 Q And your memory may not be as good as it was of
25 things that happened back then now that 11 years has passed;

1 is that fair to say?

2 A Yes.

3 Q As best you can, I want you to take yourself out of
4 the year 2025, and go back to the year, somewhere like 2010
5 through 2014, when Mr. Markel was murdered. Okay?

6 A Okay.

7 Q In that timeframe are going to be most of the
8 questions that I ask you.

9 A Okay.

10 Q All right. You testified you had a brother,
11 Charlie?

12 A Yes.

13 Q And you have a brother, Rob?

14 A Yes.

15 Q So it was a five-member family?

16 A Yes.

17 Q And Rob is the oldest?

18 A Yes.

19 Q Charlie is the middle?

20 A Yes.

21 Q And you're the baby?

22 A Yes.

23 Q And you grew up in a household where -- was your
24 mother working when you were younger?

25 A No.

1 Q She stayed home with the kids?

2 A She did.

3 Q And at some point, she went back into teaching,
4 which is what she had done before she had her first child,
5 correct?

6 A Yes.

7 Q And she did that after you were in school; is that
8 right?

9 A Yes.

10 Q And then you-all went to school, grade school, high
11 school. You grew up, right?

12 A Yes.

13 Q Each one of you went off to college?

14 A Yes.

15 Q Each one of you got a post-graduate degree?

16 A Yes.

17 Q So you're an attorney?

18 A Yes.

19 Q Charlie became a periodontist?

20 A Yes.

21 Q which is someone who does surgery related to
22 dentistry, correct?

23 A Yes.

24 Q And then Rob is a doctor as well?

25 A Yes.

1 Q And throughout the time that you-all were going to
2 college, your parents helped support you?

3 A Yes.

4 Q Every one of you?

5 A Yes.

6 Q And you had a good childhood?

7 A I did.

8 Q And your mom took good care of you-all?

9 A Yes.

10 Q She treated you well?

11 A Yes.

12 Q Very kind?

13 A Yes.

14 Q Very loving?

15 A Yes.

16 Q Very caring towards her family and others?

17 A Yes.

18 Q I think you once described her as being kind,
19 empathetic, and very loving and sensitive person. Do you
20 recall that?

21 A I don't recall that, but that sounds right.

22 Q That she radiates positivity?

23 A Yes.

24 Q She has a very loving and respectful and fun
25 relationship with my dad. They are very much in love. Now

1 it's been 54 years?

2 A It has.

3 Q You said your mom was completely selfless?

4 A Yes.

5 Q That's the opposite of selfish?

6 A It is.

7 Q Means she's caring more about others than she does
8 about herself?

9 A Yes, ma'am.

10 Q And what she did was for others?

11 A Yes.

12 Q Never doing anything for herself?

13 A Correct.

14 Q She was invested in your lives?

15 A Yes.

16 Q You and both of your brothers?

17 A Yes.

18 Q You were a close family?

19 A Yes.

20 Q And would you say she was a good mother to you?

21 A Yes. Very good mother.

22 Q And a very good grandmother as well?

23 A Yes.

24 Q When you had your first child and you needed someone
25 to help out, your mother came?

1 A She did.

2 Q And she spent time there?

3 A Yes.

4 Q And when the baby was crying in the middle of the
5 night so that you could get some rest, she took care of the
6 baby?

7 A She did.

8 Q And she did that for both of your children?

9 A Yes.

10 Q Fair to say that your mom has always been there for
11 you when you needed her?

12 A Yes.

13 Q For little things and big things?

14 A Yes.

15 Q Now, you said that -- you testified that you left
16 Danny in September of 2012. Do you recall that?

17 A Yes.

18 Q From September of 2012 until March of 2013, your
19 mother actually spent quite a bit of time helping you with the
20 boys in Tallahassee, correct?

21 A She did, yes.

22 Q She would go home and take care of things there, but
23 she would return?

24 A Yes.

25 Q So a substantial amount of each month, she was there

1 assisting you with the children?

2 A Yes.

3 Q while you were at work, she may take them to school,
4 is that correct, their daycare?

5 A I don't remember that one, whether I dropped them at
6 school or my mom did, but it's certainly possible that she
7 took them to school.

8 Q She might have picked them up?

9 A Uh-huh, yes.

10 Q She did some housework, cleaning up around the
11 house?

12 A Yes.

13 Q She bought groceries?

14 A Yes.

15 Q She cooked?

16 A Yes.

17 Q She cleaned?

18 A Yes.

19 Q She was there for you because you had just left a
20 marriage where you had a partner helping you and now you were
21 adjusting to being by yourself, correct?

22 A Yes.

23 Q Now, at the time, this time period we're talking
24 about, your mother lived in, where did you say, Coral Springs?

25 A Coral springs.

1 Q And where is that in relation to Miami?

2 A It's Broward County, so it's the county north of
3 Dade County, which is where Miami is.

4 Q And Broward County, that's like where Fort
5 Lauderdale is?

6 A Yes, ma'am.

7 Q And the dentist practice that they had, that's been
8 referred to, Adelson Institute --

9 A Yes.

10 Q -- that was located in Broward County, correct?

11 A It was, yes.

12 Q Not far from where your parents lived?

13 A Yes, in Tamarac, so close to Coral Springs.

14 Q And at some point, they got the place down in Miami,
15 right?

16 A Yes.

17 Q So what they were doing was, they would work Monday
18 through Thursday and stay at their home in Coral Springs,
19 right?

20 A Yes.

21 Q And then they would go and spend the weekend at the
22 place in Miami; is that right?

23 A I don't think every weekend, but some weekends.

24 Q Some of them?

25 A Yes.

1 Q And you visited there?

2 A I did.

3 Q Now, when your mother would come up to assist you or
4 just to visit with you and the children and Danny, did she
5 drive typically or fly?

6 A I think sometimes drive, sometimes fly.

7 Q And that --

8 A Most of the time drive, I think.

9 Q Most of the time drive. And that's almost an
10 eight-hour trip, correct?

11 A It is, yes.

12 Q And at the time that this occurred, your mother
13 would have been -- when Danny was murdered, she would have
14 been, let's say, 64ish?

15 A That sounds right.

16 Q She's 75 now. Is that yes?

17 A Yes.

18 Q And sometimes she would rent cars; is that right?

19 A Yes.

20 Q As opposed to driving her vehicle?

21 A Yes.

22 Q Your father came sometimes as well to help out?

23 A Yes.

24 Q I'm going to talk about Mr. Markel for a few
25 minutes. I think you said you met online?

1 A We did.

2 Q But you were attracted to him?

3 A Yes.

4 Q He was a handsome young man?

5 A Yes.

6 Q You're a beautiful young woman?

7 A Thank you.

8 Q And you got married?

9 A We did, yes.

10 Q And there were times -- I mean, we have heard about
11 the divorce. But before the divorce, there were times where
12 you had a happy marriage?

13 A Yes.

14 Q And you-all enjoyed spending time together?

15 A Yes.

16 Q The two of you together and with your children?

17 A Yes.

18 Q And even your parents who would come up and spend
19 time with you?

20 A Yes.

21 Q And your parents actually took you and Danny on
22 vacations, right?

23 A Yes.

24 Q There was one trip where they took you out of the
25 country and you went zip-lining. Do you remember that?

1 A Yes. We went to Costa Rica.

2 Q And after the zip-lining is when you told them you
3 were pregnant, correct?

4 A I went zip-lining pregnant, yes.

5 Q You would agree with me that Danny -- I'm saying
6 Danny because that's what people call him. I'm not trying to
7 be disrespectful of him.

8 A I called him Danny.

9 Q You would agree that he was very intelligent?

10 A Yes.

11 Q He had two degrees from Harvard, correct?

12 A Yes.

13 Q Undergraduate and law school?

14 A Yes, ma'am.

15 Q He did a lot of writing?

16 A Yes.

17 Q And at the time that he was murdered, he was a
18 tenured professor at the College of Law here at FSU, correct?

19 A Yes.

20 Q And becoming tenured is not, like, an automatic
21 thing, you have to work towards that?

22 A Yes.

23 Q Takes a lot of time?

24 A It does.

25 Q A lot of effort?

1 A Uh-huh.

2 Q He put in a lot of work to gain that status?

3 A Yes.

4 Q And he traveled to do and speak at different places,
5 right?

6 A Yes.

7 Q And he was well-respected by his colleagues?

8 A Yes, very.

9 Q And after he had children, those became the love of
10 his life, didn't they?

11 A Yes.

12 Q And even after you separated, I think you would
13 agree with me that Danny made a great deal of effort to get as
14 much time with his children as he could; is that fair?

15 A Yes, absolutely.

16 Q Even when it was your time to have the children, he
17 would go to their preschool and visit with them there?

18 A Yes.

19 Q He wanted to talk to them on the phone when he
20 didn't have them?

21 A Yes.

22 Q And he wanted to Skype with them?

23 A Yes.

24 Q And that -- I'm sorry, I'm old. But that involved,
25 like, a computer where you can see each other while you're

1 talking; is that rights?

2 A I think now it's something you could do on the
3 phone, but back then you needed a computer.

4 Q And you assisted with that?

5 A I did.

6 Q Not necessary the schedule he wanted?

7 A I'm sorry?

8 Q You didn't necessarily keep the schedule that Danny
9 wanted for Skyping, right?

10 A I did try.

11 Q You tried?

12 A Yes.

13 Q But that was one of the things you two bickered
14 about?

15 A It was.

16 Q And during the time that you were with Danny, your
17 mother was always kind to him, wasn't she?

18 A She was.

19 Q Before you got married to him?

20 A Yes.

21 Q while you were married to him?

22 A Yes.

23 Q while you were separated?

24 A Yes.

25 Q And after the divorces?

1 A Yes.

2 Q And there's been a lot of testimony and a lot of
3 pictures put up, lots of things highlighted about the ugly
4 things that your mother said about Danny during the course of
5 the separation, the divorce, and the follow-up litigation,
6 right?

7 A Yes.

8 Q And you shared, as you've testified, some of the
9 pleadings that were filed in your case?

10 A Yes.

11 Q And some of the pleadings weren't very attractive
12 towards you, were they?

13 A No.

14 Q They describe things that were derogatory towards
15 you; is that fair?

16 A Yes.

17 Q And the communications that you had with Danny
18 during the separation leading up to the divorce and some
19 thereafter were pretty critical of you, weren't they?

20 A The communication on paper, which is very different
21 than the communication in person.

22 Q Right. But the paperwork was critical?

23 A Yes.

24 Q And you shared that with your mother?

25 A Yes.

1 Q And some of the things that he said to you in
2 writing, whether they were communications or in the pleadings,
3 upset you?

4 A Yes.

5 Q Some of it was very upsetting to you?

6 A Yes.

7 Q And you shared it with your mother and then she
8 became upset?

9 A Yes.

10 Q And she said bad words?

11 A Yes.

12 Q She called him a lot of bad names?

13 A Yes.

14 Q She said ugly things about him?

15 A Yes.

16 Q But not one single time did she ever suggest in
17 writing or to you personally that Danny deserved to be harmed,
18 did she?

19 A Never.

20 Q Never said he needed to be killed?

21 A Never.

22 Q Never suggested any harm to him in any way?

23 A Never.

24 Q And those things that she said to you in the emails,
25 the communications, I assume that you-all thought were between

1 yourselves. You never shared those with Danny, did you?

2 A No.

3 Q And during the separation -- well, during the time
4 you were married, we have already established. But during the
5 separation, if Danny needed help with the children, your
6 mother assisted him, didn't she?

7 A He had called her and asked for help at various
8 times, and she did.

9 Q And after the divorce, the same thing, correct?

10 A He would call and ask for help, and she would help.

11 Q Do you have State's Exhibit 60 up there?

12 A I don't see anything that says 60 on it.

13 MS. FULFORD: May I approach the witness, Your
14 Honor?

15 THE COURT: You may.

16 BY MS. FULFORD:

17 Q I'm going to show you what has been entered into
18 evidence as State's Exhibit 60, and I think they referred to
19 it as JJ.

20 A Okay.

21 Q And this would be your -- this is going to fall if
22 you don't hold that side. I can't get this over for some
23 reason. But this has been referred to as the pleadings that
24 are within your dissolution file.

25 A Okay.

1 Q I'm going to leave that with you. Okay?

2 A Okay.

3 Q Could you look at that document, the JJ, please?

4 A Yes. You want me to just keep reading through it?

5 Q Yes, please. I want you to familiarize yourself
6 with it.

7 A I'm still reading through it.

8 Q You don't need to read every word. If you can just
9 familiarize yourself so you can recall the substance of that
10 pleading.

11 A Okay.

12 Q Okay. Prior to you filing your petition for
13 dissolution -- do you want me to come get that?

14 A No, no, it's okay.

15 Q Prior to filing your petition for dissolution, what
16 kind of experience did you have regarding divorce proceedings?

17 A I'm trying to understand the question.

18 Q Yeah, sure.

19 A Prior to filing the dissolution of marriage?

20 Q Yes.

21 A There weren't any divorce proceedings prior to
22 filing.

23 Q I guess what I'm saying is, because you're an
24 attorney, were you familiar with family law?

25 A No.

1 Q Had you participated in helping anybody with their
2 dissolution of marriage?

3 A I had not.

4 Q Completely unfamiliar with the process?

5 A I was unfamiliar with the process.

6 Q And that pleading that's before you -- are you back
7 on the front page of that?

8 A I can get back to the front page.

9 Q Okay.

10 A I'm at the front page.

11 Q And could you read for the jury what the title of
12 that pleading is?

13 A Yes, ma'am. Former husband's countermotion for
14 enforcement of MSA on parenting issues and motion for contempt
15 and sanctions.

16 Q It doesn't say grandmother motion, does it?

17 A No.

18 Q And, in fact, the overwhelming majority of that
19 motion relates to Danny's complaints about you and parenting
20 issues, correct?

21 A It does, yes.

22 Q And, in fact, what they call the grandmother part of
23 that motion is really Danny complaining about you not meeting
24 the requirements of the right of first refusal, correct?

25 A That's correct.

1 Q Because his complaint is that if you gave him the
2 right of first refusal, some of the times he could take it and
3 the children would be with him instead of the grandmother?

4 A Yes.

5 Q It wasn't actually suggesting that from this point
6 forward, your mother could no longer have anything but
7 supervised visitation, correct?

8 A I didn't see it that way.

9 Q And in any event, your mother never saw that motion,
10 did she?

11 A No, she did not.

12 MS. FULFORD: May I approach?

13 THE COURT: You may.

14 BY MS. FULFORD:

15 Q I'm going to take the book. I don't know if I'm
16 going to need to give it back to you or not. That way it's
17 not going to fall on you.

18 A Okay.

19 Q Now, the State has referred to this bribe. You've
20 heard them talk about that, correct?

21 A I believe so.

22 Q They suggested -- because I think there are emails
23 where you discussed this about potentially offering Danny a
24 million dollars?

25 A Yes.

1 Q And your understanding of what was trying to take
2 place there, because you actually put that in writing, was it
3 wasn't to take the children away from Danny, was it?

4 A No.

5 Q It was in hopes that he would relocate to Miami as
6 well, correct?

7 A Yes.

8 Q And that although you would live separate lives, you
9 could raise your children together, right?

10 A Yes.

11 Q Because there were more opportunities for him,
12 Danny, to practice his Jewish faith in Miami than there is in
13 Tallahassee, correct?

14 A Correct.

15 Q They have kosher food in Miami?

16 A Yes.

17 Q Lots of it?

18 A Yes.

19 Q They don't have that in Tallahassee?

20 A No.

21 Q And the million-dollar offer was not to bribe him in
22 what sounds like an illegal sense, it was an incentive for him
23 to relocate himself to Miami, correct?

24 A Yes. That was my understanding, yes.

25 Q You lived there with him before?

1 A Yes.

2 Q And he liked living there?

3 A Yes.

4 Q In fact --

5 A He liked it very much.

6 Q I'm sorry. I didn't mean to talk over you.

7 A No. That's okay. I'm just saying he liked it very
8 much.

9 Q In fact, he tried to get a professorship at the
10 University of Miami School of Law?

11 A He did.

12 Q And if he had gotten that, the plan between you and
13 he was to stay in Miami, correct?

14 A We would have, yes.

15 Q But he didn't get it, and so he had already been
16 employed by FSU College of Law, right?

17 A Yes.

18 Q And so you moved up here and finished law school and
19 you all remained in this area?

20 A Yes.

21 Q So the million dollars would offset, as the State
22 has mentioned, travel expenses if he moved there, correct?

23 A Right.

24 Q He only taught two days a week, right?

25 A Yes.

1 Q So that would have given him the opportunity to live
2 in Miami, and for the two days a week he needed to be in
3 Tallahassee, he could take plane trips, right?

4 A Yes.

5 Q And be here?

6 A Yes.

7 Q And if you-all had done that, he still could have
8 enjoyed 50 percent parenting time with his children, right?

9 A That would have been the same, yes.

10 Q It wasn't to take him away from the kids?

11 A No.

12 Q We're going to talk about relocation more than once,
13 but I just want to make sure I understand how that all came
14 about. Okay? So it was -- you left the marital home in
15 August or September of 2012?

16 A I think it was September.

17 Q So you separated officially in 2012?

18 A Yes.

19 Q By the time he was murdered, almost two years had
20 passed?

21 A Yes.

22 Q Do I understand it correctly that around October or
23 November of 2012, that you interviewed for a job at a law firm
24 in Miami?

25 A I did.

1 Q And that was the Grossman Firm?

2 A I think it's Grossman & Roth.

3 Q And somewhere around December of 2012, they made you
4 an offer?

5 A They did.

6 Q And I don't need to know numbers, but was it
7 substantially more than you were making in Tallahassee?

8 A It wasn't. It was just more secure.

9 Q More secure. Okay. Not more money?

10 A No, it was more money, but it just -- more than
11 anything, it was secure money as opposed to grant money that
12 could be taken away.

13 Q So you were a professor also at the law school here
14 in Tallahassee?

15 A I was.

16 Q At FSU?

17 A Yes.

18 Q You were not tenured?

19 A No. No, I was a clinical professor.

20 Q So being tenured means you have more stability in
21 your job?

22 A Yes, you have more job security.

23 Q Job security. Okay. And so you got that offer in
24 December, and sometime in January, you told Danny that you had
25 a good job offer, correct?

1 A Yes. I asked to meet with him, and we went to get
2 coffee and talk about it.

3 Q And part of that discussion, you asked him if he
4 would consider -- all of you, not together -- but all of you
5 relocating to Miami, correct?

6 A I did.

7 Q And he was going to consider that, correct?

8 A He was considering it. He wasn't opposed to it.

9 Q You thought it would be good for all of you,
10 correct?

11 A I thought it could be.

12 Q Including the boys?

13 A Yes.

14 Q He decided he didn't want to do it, right?

15 A He changed his mind.

16 Q But you didn't change your mind, right?

17 A No. I kept going with it.

18 Q So you filed a motion for temporary relocation, and
19 you also amended your petition for dissolution to add
20 relocation, correct?

21 A I did.

22 Q At the time that you filed it, did you think you had
23 a good shot at it?

24 A I thought I had a shot. I didn't really know -- it
25 would depend on the Judge.

1 Q And we'll go back to it later, but I guess on June
2 the 18th of 2013, which would be right before your divorce was
3 finalized, right?

4 A (Nodding head affirmatively.)

5 Q You had a hearing on your motion for relocation?

6 A Yes.

7 Q And the State has already presented in its exhibits
8 a copy of the order, and relocation was denied, correct?

9 A It was.

10 Q And after relocation was denied, you and Danny were
11 able to work out some kind of temporary schedule for the
12 summer?

13 A We were.

14 Q And then you proceeded forward, and there's been
15 discussion -- there was a mediation that did not resolve your
16 divorce, but within a few days thereafter, you did come to an
17 agreement with Danny, correct?

18 A We did.

19 Q You agreed to all of the issues in the dissolution
20 of marriage, right?

21 A Yes.

22 Q Including how you were going to share time with him?

23 A Yes.

24 Q Was it ever your intention in the dissolution
25 proceedings from the time that you moved out of your marital

1 home, that you would actually take the children's custody
2 completely away from Danny so that he couldn't see them?

3 A No.

4 Q Did you always want them to be a big part of his
5 life?

6 A Of course.

7 Q He loved them, and they loved him?

8 A Yes.

9 A JUROR: Judge?

10 THE COURT: Yes.

11 A JUROR: I'm so sorry. I have to use the restroom.

12 THE COURT: That's fine. The bailiff will take
13 you-all to the jury room.

14 (Jury exits courtroom.)

15 THE COURT: You-all can be seated.

16 Mr. Zelman, if your client does need to use a
17 bathroom break at this point, this would be the
18 opportunity to do so.

19 We'll take a five-minute break. Hopefully the
20 jurors will be ready at that point. You can step down if
21 you need to.

22 (Court in recess.)

23 (Jury in courtroom.)

24 THE COURT: Everyone can be seated.

25 Ms. Fulford, you may continue with your

1 cross-examination.

2 MS. FULFORD: Thank you.

3 BY MS. FULFORD:

4 Q I have just a bunch of oddball questions at this
5 point.

6 You recall getting emails from your mother?

7 A Yes.

8 Q And your father?

9 A Well, yes, from both, from the same email.

10 Q And I think you had a necklace at some point during
11 that time period that said, never, never, never give up?

12 A I did.

13 Q And your parents would sometimes put that in emails
14 back to you, correct?

15 A Yes.

16 Q Need to know if you recall this. Your parents, you
17 had mentioned when they went out of the country, you used the
18 WhatsApp to communicate with them because it was free of
19 charge?

20 A Yes.

21 Q And you could call them free of charge?

22 A Yes.

23 Q And you could message with them free of charge?

24 A Both, yes.

25 Q And when your parents would go out of town, do you

1 recall that they had a routine where your mother would take
2 her phone, but your father would not get the plan to -- to
3 travel with. Do you recall that?

4 A That sounds right.

5 Q And wasn't that because if you called the
6 Adelson Institute and you got the answering machine -- it was
7 an old-fashioned answering machine, right?

8 A Yes.

9 Q And what it gave out if you reached the answering
10 machine was your father's cell phone number?

11 A Yes.

12 Q So he didn't want to be contacted when he was out of
13 town, and that's what people would get, right?

14 A Yes.

15 Q The birthday party that's been mentioned for your
16 dad, it was his 70th birthday?

17 A It was.

18 Q And although I don't think it ended up being a
19 surprise, your mom was trying to plan a party for him where he
20 knew his children and grandchildren would be there, but she
21 was trying to surprise him with the friends?

22 A That's right.

23 Q And you might have helped her with some of those
24 preparations?

25 A I think so.

1 Q And she planned it for several months, right?

2 A Yes.

3 Q And I think one of the things that you got involved
4 with was a caterer that was going to be used to cook paella --
5 I'm not sure if that's how you pronounce it -- at the party?

6 A It's pronounced paella. I think -- I remember on
7 the night of -- I speak Spanish, so I spoke with him in
8 Spanish because I don't think he spoke much English.

9 Q And your mother didn't speak Spanish, right?

10 A No.

11 Q But you weren't actually making the order and buying
12 it, correct?

13 A No. I didn't pay for anything.

14 MS. FULFORD: May I approach, Your Honor?

15 THE COURT: You may.

16 BY MS. FULFORD:

17 Q It's still Adelson, correct?

18 A Yes.

19 Q Ms. Adelson, I'm going to approach and show you
20 what's been marked just for identification purposes as
21 Defense 49J, and ask you to look at that and tell me if you
22 have ever seen that before.

23 A I have seen this before.

24 Q And that's an email that your father sent to you
25 regarding the appointment that he had made for the TV to be

1 repaired, correct?

2 A Correct.

3 Q And on the front page you can see where he is
4 forwarding it to you and it says, love dad, right?

5 A Yes.

6 Q And then he tells you when the appointment is going
7 to be, Friday the 18th, between 8 and 12, right?

8 A Yes.

9 Q And then when you flip -- well, let me -- now stay
10 on the first page. Do you see down -- almost two-thirds of
11 the way down where it has the order information and the order
12 creation date?

13 A Yes.

14 Q And that date was what?

15 A The order creation date is July 11th, 2014.

16 Q Okay. And on the next page where the problem
17 description is, it says that Harvey called in, stated that the
18 55-inch TV screen had some problems, right?

19 A Yes.

20 Q If you go to the next page, it repeats about the
21 complaint that your father had about what was wrong with the
22 TV, right?

23 A Yes.

24 Q If you scroll down, there are some questions under
25 date submitted, right?

1 A Yes.

2 Q whether the TV is wall mounted?

3 A Yes.

4 Q what the size of the TV is?

5 A Yes.

6 Q If it's mounted over six feet high?

7 A Yes.

8 Q The height of the ceiling?

9 A Yes.

10 Q Is it eligible for a loaner?

11 A Yes.

12 Q was it installed by the Geek Squad?

13 A Yes.

14 Q Is the product that we're going to service in a
15 place of business?

16 A So I'm saying yes that I see these questions, but
17 the answer to that question is no.

18 Q Right, correct.

19 A Okay.

20 Q That's what I was going to point out.

21 A Okay.

22 Q So your dad said no to that one, correct?

23 A Right.

24 Q Is the product that we are going to service in a
25 place of business, and your dad answered no, correct?

1 A He answered no.

2 Q And the next one says what?

3 A Would you be willing to accept a sooner appointment
4 if one became available, and the answer to that one is yes.

5 Q Thank you.

6 MS. FULFORD: May I approach?

7 THE COURT: You may.

8 BY MS. FULFORD:

9 Q Ms. Adelson, you testified on direct when asked some
10 questions about the name change of your children. You recall
11 those questions?

12 A Yes.

13 Q And I think your testimony was that you officially
14 changed your children's last names a year, year and a half?
15 what did you say?

16 A I legally changed them a year after Danny's death.

17 Q Okay. But after he passed away and you went to
18 Miami, it was time for your oldest child to be in enrolled in
19 kindergarten, right?

20 A Yes.

21 Q And so what were the ages of the children when Danny
22 was murdered?

23 A They were almost five and three and a half.

24 Q And so the five-year-old was going into
25 kindergarten?

1 A Yes.

2 Q And where was the other child going to be? was he
3 being put in, like, a preschool program?

4 A It was a preschool program.

5 Q Okay. And so you went and registered them at the
6 school, correct?

7 A Yes.

8 Q And the official registration said Markel for the
9 children's last names, correct?

10 A I believe so.

11 Q But because you were going to socially refer to them
12 as Adelson, that's what you asked the school to do as well,
13 right?

14 A Yes.

15 Q And so when you went into orientation for the oldest
16 child -- I'm trying not to say the name. When you went into
17 orientation for the oldest child for kindergarten and they had
18 his little name plate there where he was going to sit at his
19 desk, it said last name Adelson, right?

20 A I honestly don't remember him having a last name on
21 -- I remember his first name being there, but I don't
22 remember -- I thought they put the first names for the
23 kindergarteners.

24 Q But you asked the school to refer to him by the last
25 name Adelson?

1 A I did. I did.

2 Q So there was an exhibit that was shown to you where
3 your mother had registered him for an after-school flag
4 football, right?

5 A Right.

6 Q And so because the school is being -- knowing his
7 name, that he's being referred to as Adelson, that's why she
8 did that, correct?

9 A Correct.

10 Q And the youngest one, where was he going to go, or
11 where did he go?

12 A He was at a preschool, a private preschool, because
13 he was too young to go to the preschool at the public
14 elementary school.

15 Q And whether it was your mother or your father who
16 wrote the email about signing up and grandpa's coming with him
17 to -- I'm sorry, I'm not Jewish. I didn't understand what
18 that was.

19 A It's okay. Tot Shabbat would have been, you know,
20 like a Sabbath activity where the grandparents would come and
21 sing songs and something like that.

22 Q And so the younger one is also being known as last
23 name Adelson?

24 A Yes.

25 Q Because socially that's what you wanted them to go

1 forward with?

2 A I thought it would make them safer.

3 Q There was some questions of you on direct about
4 potentially purchasing a home after the divorce was final in
5 2013. You recall those questions?

6 A I do.

7 Q And it was suggested that Charlie convinced you not
8 to do that, right?

9 A That was what was suggested.

10 Q But, in fact, the reason I think you stated was
11 because you hadn't gotten your settlement yet from Mr. Markel?

12 A Right. I didn't have the money to purchase a home.

13 Q And so even though you had been interested in it,
14 you had to notify your realtor that --

15 A It wasn't possible at that time.

16 Q Okay. And in the emails that the State introduced
17 and discussed with you where your mother is making lots of
18 suggestions, mostly after relocation was denied, of things
19 that you could do, like, tell Danny you're going to raise them
20 as Catholics, you're going to have them baptized as Catholics,
21 all of those suggestions she was making, correct?

22 A Yes.

23 Q She wasn't actually suggesting you do it. She was
24 wanting you to use that as a means of negotiating with Danny,
25 right?

1 A That's my understanding.

2 Q That if he thought maybe you were going to do these
3 things, he would reconsider the issue of relocation, correct?

4 A Correct.

5 Q You testified that your mother hated Danny at the
6 time that he was killed. You remember saying that?

7 A I believe I said that.

8 Q But the week before he died, your mother was
9 babysitting for Danny, wasn't she?

10 A Yes.

11 Q And nothing but pleasantries between the two of
12 them?

13 A That's right.

14 Q And, in fact, she actually made him banana bread
15 specifically the way he liked it, right?

16 A It was his favorite.

17 Q Without nuts, but with chocolate chips?

18 A That's right.

19 Q But you think she hated him?

20 A I think she was mad at him.

21 Q Mad at him. There's a difference between being mad
22 at someone and hating them, isn't there?

23 A There is.

24 Q I think you testified that -- and there may have
25 been an email that suggested it -- that you would have never

1 left Danny if not for your mom and maybe brother's
2 suggestions. Did you say that?

3 A I don't think that was exactly right. I think it
4 was, I probably wouldn't have left, kind of suggesting that
5 maybe I would have wanted to but wouldn't have had the
6 strength or wherewithal to leave on my own.

7 Q Isn't it true that each year, maybe not every year,
8 but many years yourself and Danny would, when you finished the
9 school session here at FSU College of Law, you would go down
10 to Coral Springs or Miami, whichever they were at, and you
11 would spend almost two weeks with your parents, right?

12 A Yes.

13 Q And that would be yourself and Danny when it was
14 just you, right?

15 A Yes.

16 Q And then after you had the children, all of you went
17 down there, correct?

18 A Yes.

19 Q In fact, what really happened was in the summer of
20 2012, when you decided that you were going to leave Danny,
21 Danny was down there with you, correct?

22 A Yes.

23 Q And the children were there too?

24 A Yes.

25 Q And they were young? How old were they?

1 A In 2012, they would have been two and three.

2 Q And you -- Danny was there. And you actually asked
3 your mom if she would go out to coffee with you. Do you
4 remember that?

5 A I don't remember that.

6 Q And you told her then that you were going to leave
7 Danny and get a divorce, didn't you?

8 A That sounds right, but I don't remember that.

9 Q Okay. And, in fact, she suggested counseling to you
10 and you told her you guys had already been in counseling and
11 it didn't work; isn't that right?

12 A We had been in counseling and it hadn't worked, but
13 again, I don't -- this sounds like something that could have
14 happened, but I just don't remember the coffee.

15 Q There was also questions of you, several questions
16 about your interview with law enforcement the day that Danny
17 was shot. You recall those questions from the State?

18 A I do recall the questions.

19 Q And they were pointing out things that you had said
20 about your family, your parents, Charlie. You remember those
21 questions?

22 A I do.

23 Q Isn't it true that when you were interviewed by law
24 enforcement, what you said initially was that Danny's parents
25 were going to think that you're the one who did it, right?

1 A I did say that.

2 Q I wanted to talk about the relocation a little bit.
3 So you had a relocation hearing on June the 18th. Does that
4 sound right?

5 A 2013?

6 Q Yes, ma'am.

7 A Yes.

8 Q And leading up to that hearing, you notified your
9 mother by email that because she was going to be testifying in
10 court, she would need to wait outside that hearing, correct?

11 A I don't remember that, but if she was supposed to be
12 a witness, then she couldn't be present for the hearing.

13 MS. FULFORD: May I approach, Your Honor?

14 THE COURT: You may.

15 BY MS. FULFORD:

16 Q I'm going to show you what's been marked for
17 identification purposes as Defense Exhibit 49B. If you could
18 just read that for me, just to yourself.

19 A Do you want me to read to the end?

20 Q No, ma'am. I'm just looking for where you told your
21 mother, get you to agree that you said to her, because you are
22 testifying in court, mom, you won't be able to sit in on the
23 hearing with me. Is that what you said?

24 A Yes, but I can have dad there.

25 Q Come and get it from you.

1 A Okay.

2 Q Thank you. Sometime in April of 2013, so that would
3 be not long before your divorce was final, you took a trip --
4 I don't know if you were speaking there or someone else was --
5 but you took a trip out of town with a gentleman named Miguel.
6 Do you recall that?

7 A I don't recall the trip, but I was seeing Miguel at
8 the time.

9 Q You do recall the trip?

10 A Well, I was seeing Miguel at the time, but I don't
11 know what the trip was in April of 2013. I don't remember
12 that. Can you tell me where we went?

13 Q Yes, ma'am. I'm going to get that for you.

14 A Okay.

15 Q Puerto Rico. Does that sound familiar?

16 A It was a clinical law professor conference, there's
17 one every year, and that year it was in Puerto Rico.

18 Q And did you speak at that or you were there to get
19 credit hours or something of that nature?

20 A No, I spoke.

21 MS. FULFORD: May I approach, Your Honor?

22 THE COURT: You may.

23 BY MS. FULFORD:

24 Q I'm going to show you for identification purposes as
25 Defendant's Exhibit 1E, and it's dated April the 28th of 2013,

1 and addressed, Dear Renee. You don't need to read it all, but
2 would you familiarize yourself with your communication there,
3 please?

4 A Okay. I've read a little bit. Do you want me to --

5 Q No, that's okay. I will point out any sections that
6 I wanted to discuss with you.

7 would you agree that you wrote this on April the
8 28th of 2013?

9 A Yes, it looks like I dated it.

10 Q Okay. And that's to a Renee?

11 A Yes.

12 Q And you're coming back from your trip to Puerto
13 Rico?

14 A Yes.

15 Q And while you're on this trip, your parents were
16 taking care of the boys, correct?

17 A Yes.

18 Q And on the first page, down towards the bottom, you
19 have some bullet points about what you would like to do to
20 resolve your divorce, correct?

21 A Well, I think it was not just about my divorce. It
22 was kind of about how I wanted to be living my life overall.

23 Q Yeah, I was trying not to get into the personal
24 information, but that's right. This entire email is really
25 about changes you want to make in your life, correct?

1 A Yes.

2 Q And the last bullet point down at the bottom it
3 says, I've been coming to a place in the last few months where
4 I have realized that I want to keep my job. It allows me the
5 maximum amount of flexibility to spend with my kids, while
6 allowing the freedom for intellectual exploration, one-on-one
7 mentoring with students, and meaningful work in the community.
8 I don't care that Jibbers told my colleagues that I stole from
9 him and that I am mentally ill. Nasty things are said in
10 divorce and people know that. Right?

11 A Yes.

12 Q Tallahassee isn't ever where I wanted to live, but
13 it's where the job is, and it's where my boys' father is,
14 which means they don't have to constantly be flying on planes
15 or driving in cars to accomplish our custody situation.
16 Right?

17 A Yes.

18 Q So you have the pending petition and motion for
19 relocation, but as of April the 28th, you're starting to think
20 maybe staying in Tallahassee is the right thing to do,
21 correct?

22 A Yes.

23 Q And then this goes on, third page is, now you're
24 writing on May the 2nd of 2013, correct?

25 A Yes.

1 Q A little different subject. But if you go to the
2 next to the last page of that exhibit, see where it starts,
3 um, wait, it's me again?

4 A Yes.

5 Q Okay. The paragraph after that, I wanted to ask you
6 about this. It says, on Sunday morning we're supposed to sit
7 on the same stage. You're referring to Mr. Markel, correct?

8 A Yes.

9 Q In full regalia and clap for the graduating law
10 students. I love graduation and the Jibs has never attended
11 because it's normally on a Saturday morning and he is at
12 synagogue. Correct?

13 A Yes.

14 Q And then you say, it's on Sunday this year and I
15 have the boys and the dean wants all faculty to attend, so I
16 need to. It's only two hours and my mom can watch the boys
17 during that time. Correct?

18 A Yes.

19 Q So it was fairly routine, then, for you to get your
20 mother or both parents' assistance when you had somewhere that
21 you needed to be and someone needed to take care of the
22 children, correct?

23 A Yes.

24 MS. FULFORD: I'm sorry, Judge. I have so many
25 papers up here. I'm confused.

1 THE COURT: Take your time. This is your
2 opportunity to examine the witness.

3 MS. FULFORD: May I approach?

4 THE COURT: Go ahead.

5 BY MS. FULFORD:

6 Q I'm going to exchange with you, Ms. Adelson. I'll
7 take that one back and then show you what's been marked as
8 Defense Exhibit 1G for identification purposes. Could you
9 review that to yourself, please?

10 A Okay.

11 Q I'm not sure if this was to Renee or not. Yeah, you
12 mention Renee. So this is on June the 4th of 2013, correct?

13 A Yes.

14 Q And we're approaching the hearing date on the
15 relocation motion which is set for June the 18th, right?

16 A Yes.

17 Q And in here you're expressing some concerns over
18 what you have been through in the divorce, but you said, and I
19 think the State referred to this, that Mr. Markel had sent you
20 a long message about how you could be doing all of the divorce
21 stuff so differently, in the spirit of love and joy, where we
22 get together and talk about our vision for the boys and for
23 our future. And I won't say what you said after that. But at
24 this point you're kind of agreeing with him, you want to do it
25 peacefully, right?

1 A Yes.

2 Q And you talk about the -- one alternative is you
3 could call Gary. Now, Gary is the gentleman who was kind of
4 offering you a position in Miami, right?

5 A Gary was a partner at the law firm where a position
6 was offered to me.

7 Q And your plan was to have him come and testify at
8 the relocation hearing about the job that he would be giving
9 you if you relocated there, correct?

10 A Yes.

11 Q And you had other people who were going to testify
12 there as well on your behalf, right?

13 A Yes.

14 Q And so you say, one alternative is you call Gary and
15 say I've changed my mind. I don't think it's best for my kids
16 to move them to South Florida. I appreciate you saving the
17 job for me, but I'm not going to come to South Florida.
18 Correct?

19 A Yes.

20 Q And then you say -- you call your brother and say, I
21 love you, Charlie, but I'm going to stay in Tallahassee. I
22 know you don't agree with my decision, but that's what's best
23 for me and the kids right now. I hope one day you'll
24 understand. That was something else you were considering,
25 correct?

1 A Right.

2 Q And then call your parents and say basically the
3 same thing, and if they wanted to come up any time and visit
4 you and the boys in Tallahassee, they were free to do so,
5 right?

6 A Yes.

7 Q But that's like they've always been doing, correct?

8 A Yes.

9 Q So you think if you take relocation off the table,
10 that it will give you an opportunity to discuss things with
11 Mr. Markel and hopefully work them out, right?

12 A Yes.

13 Q On the next page you talk about what the alternative
14 vision is, and that's what you currently have planned, which
15 is to have Gary fly up to testify at the hearing, right?

16 A Yes.

17 Q Your mom would testify, right?

18 A Yes.

19 Q They would fly up and spend days with you, correct?

20 A Yes.

21 Q You expected that at that time the hearing would
22 last one to two days, right?

23 A Yes.

24 Q And you were concerned that you would go through all
25 of that, spending more money, being more stressed, and then

1 you say, for the chance to save face with my family and to be
2 given an opportunity I don't actually want, to live with them
3 in South Florida. That's what you said, right?

4 A well, I say, an opportunity I don't actually want
5 with all of my heart, but maybe part of it, to live with them
6 in South Florida.

7 Q And then you say, so I am willing to put myself
8 through all of this just to keep up appearances with my
9 parents and brother, that I want to be living down in South
10 Florida -- or down south with them, even though I don't want
11 to. That's what you said, right?

12 A I say, even though I don't want to give up my
13 current flexible job where I get to spend maximum time with my
14 kids so I can be with them.

15 Q And that was June the 4th of 2013, right?

16 A Yes.

17 Q And what you end up choosing was the second
18 alternative, correct?

19 A I went through with the hearing.

20 Q And, I think, let me find it --

21 MS. FULFORD: May I approach, Your Honor?

22 THE COURT: You may.

23 BY MS. FULFORD:

24 Q I'm going to show you what's already been introduced
25 into evidence as State's Exhibit 60. Let me see if I can

1 figure out their lettering system. That would be Y. I'm
2 going to take this and let you take this book. And if you
3 would review that pleading or this order that the Court
4 entered, please.

5 A Okay.

6 Q Have you had an opportunity to review that?

7 A Yes.

8 Q So you went into this hearing and Gary ended up
9 coming, correct?

10 A He did.

11 Q And he testified, right?

12 A Yes.

13 Q And you gave some testimony, correct?

14 A Yes.

15 Q And what happened was, the Judge kind of called a
16 timeout, right?

17 A I don't remember a timeout.

18 Q At some point she wanted to speak to counsel; is
19 that right?

20 A I'm sorry, I don't remember that part, of her
21 speaking to counsel.

22 Q Do you remember the Judge making some comments about
23 the children hadn't been harmed and since he hadn't pulled out
24 their toenails?

25 A I do remember the toenail comment, yes.

1 Q So she wasn't leaning towards relocation, correct?

2 A No, no, no, no.

3 Q So even though you had other witnesses, you didn't
4 proceed with the hearing, right?

5 A Well, I think we had the hearing and the Judge
6 decided.

7 Q You didn't call all your witnesses, did you?

8 A I don't remember.

9 Q If you look at the order, it says, order on wife's
10 petition to relocate with the minor children, and then it says
11 what the Court orders and adjudges. The Court does not find
12 that the wife has met her burden of proof that a relocation is
13 in the best interest of the minor children. You see that?

14 A Yes, number one.

15 Q Yes. And your mother actually stayed outside for
16 the testimony of that hearing with your dad, correct?

17 A I don't remember, but I remember asking her to stay
18 outside if she was going to testify.

19 Q Okay. And you came outside at some point and told
20 your parents that relocation was denied, correct?

21 A Correct.

22 Q And it's after this hearing when relocation is
23 denied, that those truly ugly emails that your mother wrote
24 were written by her, correct?

25 A Yes.

1 MS. FULFORD: May I approach?

2 THE COURT: You may.

3 BY MS. FULFORD:

4 Q Actually, if you'd keep that for a second.

5 A Okay.

6 Q Once the final judgment was entered, the issue of
7 relocation was over, right?

8 A Yes.

9 Q Relocation from July 31st of 2013, until the time
10 that Mr. Markel was murdered, was never an issue again, was
11 it?

12 A It was never an issue from the day it was decided on
13 July 31st, 2013. That's when it ended.

14 Q Certainly after the final judgment, correct?

15 A Yes.

16 Q And that's the end of the discussion about
17 relocation, right?

18 A Yes.

19 Q No more plans about how to get relocation. The
20 issue's decided, correct?

21 A It was decided.

22 Q Ms. Adelson, if you look at that order that's
23 entered by the Court, besides saying it's denied, it says
24 something pretty important, and I think the State pointed this
25 out in its opening. It says that this denial is with

1 prejudice --

2 A Yes, ma'am.

3 Q -- of the wife's petition for request to relocate
4 with the minor children. And you're a lawyer, so you know
5 that with prejudice means this is done, this topic in this
6 divorce is over?

7 A Yes, with prejudice means it's a final decision of
8 the Court.

9 Q But what it says right before that is, as such, the
10 parties stipulate to the denial with prejudice of the wife's
11 petition. You see that?

12 A Yes, I do.

13 Q So what happened is, is after the Judge says, if
14 their toenails haven't been pulled out, I'm not thinking
15 relocation, you actually stipulated to denial with prejudice,
16 right?

17 A Yes.

18 Q You did not tell your parents that you stipulated to
19 denial with prejudice, did you?

20 A I don't remember any conversation there really.

21 Q So not knowing that it was denied with prejudice,
22 your mother thought you still had an opportunity to get it up
23 through your final hearing, right?

24 A I believe so.

25 Q And so she kept writing these ugly things and giving

1 you all of these ugly suggestions, right?

2 A She did write those emails.

3 Q If you had told her you stipulated with prejudice,
4 that's probably not what you wanted, mom, but that would have
5 been the end of it, right?

6 A I don't know. I would just be guessing.

7 MS. FULFORD: May I approach?

8 THE COURT: You may.

9 BY MS. FULFORD:

10 Q well, if you'd just be guessing, after she thought
11 it was finally over on July the 31st, there were no more
12 emails suggesting you do things like she suggested between the
13 hearing date on June the 20th, and the final hearing on July
14 the 31st, did she?

15 A Can you help me -- what is the question?

16 Q Sure. So your mother doesn't know when you get out
17 of the hearing on June the 20th, that you've stipulated that
18 this is a forever decision, so she writes these ugly emails,
19 right?

20 A She may not have understood that it was a final
21 decision of the Court.

22 Q It was a decision of the Court because you
23 stipulated to it, Ms. Adelson, didn't you?

24 A I did stipulate to it.

25 Q And she didn't know it. She thought you had up

1 until the final hearing. So she's marching along trying to
2 come up with more suggestions of how you can pressure Danny
3 and get him to agree for you to relocate, even though you know
4 it's dead, right?

5 A I knew that it was a final decision.

6 Q And after July the 31st, when she thought it was a
7 final decision, she wrote no more emails suggesting you do
8 these crazy things to still try and get relocation, did she?

9 A I don't remember the dates of the email, but --

10 Q And you testified --

11 A -- I'm guessing, no.

12 Q -- when you got up -- when the State was asking you
13 questions, after you said your mother hated Danny at the time
14 that he was killed, which you've clarified now that she was
15 mad at him, not that she hated him, you testified you hated
16 him at the time he was killed, right?

17 A I don't remember testifying to that.

18 MS. FULFORD: Well, then we'll need to take a break,
19 Judge.

20 THE COURT: Did you have any other --

21 MS. FULFORD: May we approach?

22 THE COURT: -- questions for the witness?

23 MS. FULFORD: I do. May we approach?

24 THE COURT: Please approach.

25 (Sidebar conference as follows:)

1 MS. FULFORD: Your Honor, this witness testified on
2 direct examination that at the time that Danny Markel was
3 murdered, she hated him. She is not remembering making
4 that statement. I would like the opportunity for the
5 court reporter to go back and find that so that she can
6 be confronted with it.

7 THE COURT: That's fine. But since she's testified
8 to many things, you don't want me to instruct the jurors
9 to rely on what they have heard? She's testified to a
10 whole lot of things over several hours.

11 MS. FULFORD: She has. May I talk to my client real
12 quick, please?

13 THE COURT: Go ahead.

14 (Sidebar conference concluded.)

15 THE COURT: Members of the jury, we are going to
16 take a brief break. The bailiff will take you to the
17 jury room.

18 (Jury exits courtroom.)

19 THE COURT: Everyone can be seated.

20 MS. CAPPLEMAN: Are we in recess, Judge?

21 THE COURT: I believe the Defense is talking to
22 their client and we will go in recess for a moment.

23 (Court in recess.)

24 THE COURT: Mr. Zelman, Ms. Fulford, as to this
25 issue, are you seeking for the court reporter to review

1 something or do you wish for me to instruct the jurors?

2 MS. FULFORD: I think we have an alternative
3 resolution. If we can have one moment, please.

4 THE COURT: Go ahead.

5 (Sidebar conference as follows:)

6 THE COURT: All right. Go ahead.

7 MR. ZELMAN: So the idea that I had was instead of
8 asking the court reporter to relate that back and -- or
9 your idea, Your Honor, of asking the jury to remember the
10 testimony as they heard it, we ask the court reporter to
11 prepare a brief except from that testimony so we can
12 admit it as an exhibit and then use that at closing.

13 MS. FULFORD: That way she doesn't have to do it
14 right now. We're not wasting the jury's time.

15 THE COURT: Do you want to be heard concerning this?

16 MS. CAPPLEMAN: I mean, it's improper impeachment.

17 THE COURT: Well, as to this issue, I will find the
18 witness has testified to a great deal of things over the
19 last five hours. I believe during your direct
20 examination, the word, hate, was used. Since, she has
21 used other language to soften the word, hate. It's
22 ultimately up to the fact finder what they're going to
23 believe.

24 As far as them using it as a demonstrative, you're
25 saying it's improper impeachment?

1 MS. CAPPLEMAN: Oh, as a demonstrative, the
2 transcript?

3 THE COURT: I believe that's what they're saying.

4 MS. FULFORD: Not to impeach her.

5 THE COURT: First, you've got to go through the
6 predicate of impeachment with the witness, if you're
7 actually seeking to admit this as extrinsic evidence of
8 the statement given earlier today. I don't even think
9 she's denying having made the statement. She's been on
10 the witness stand since, what?

11 MS. CAPPLEMAN: 10:30.

12 MS. FULFORD: She had a lunch break.

13 THE COURT: Well, she did. But I'm assuming beyond
14 her social security number and children's birthdays,
15 there's probably not much more swimming around in her
16 head, but I'm no doctor.

17 MS. FULFORD: Demonstrative. We can use it for
18 that.

19 THE COURT: Very well. Let's take a ten-minute
20 break.

21 (Court in recess.)

22 THE COURT: We're going to take a ten-minute break
23 at 3:40. We will resume after the jurors have used the
24 restroom and everyone is ready.

25 Mrs. Adelson, if you need to use the restroom, this

1 is your opportunity as well.

2 (Court in recess.)

3 THE COURT: You can be seated. You can come back to
4 the witnesses stand.

5 Are the jurors ready at this point?

6 MS. FULFORD: Your Honor, may we approach briefly?

7 THE COURT: Yes.

8 You can be seated.

9 (Sidebar conference held as follows:)

10 THE COURT: Go ahead.

11 MR. ZELMAN: So it's my understanding of the Court's
12 ruling, based on prior counsel's motion in limine about
13 this -- the witness not allowing very much contact with
14 the Markel family; is that correct?

15 THE COURT: Yes.

16 MR. ZELMAN: Judge, we're asking that we be able to
17 do that. We don't agree with the strategical decision
18 that was made by prior counsel.

19 THE COURT: If you wish to inquire into that topic,
20 the State is certainly permitted to redirect on it.

21 Ms. Cappleman, do you need to be heard?

22 MS. CAPPLEMAN: No, sir.

23 THE COURT: If you open the door, the topic is open.
24 In that same vain, I believe previously when we had the
25 motion in limine concerning Rob Adelson, there was some

1 concern as to what he would testify to. Given the fact
2 that the cross-examination of this witness has gone into
3 the personality traits of your client, at least on that
4 issue, is there any argument, Ms. Cappleman?

5 MS. CAPPLEMAN: Mr. Adelson is Ms. Dugan's witness,
6 so I'll --

7 MS. DUGAN: I believe that the Court's ruling also
8 was that if I could establish the foundation, he could
9 talk about the personality traits of the family members.
10 So, yes, I would argue -- oh, yeah. In addition to that,
11 my memory of the ruling was that I just had to establish
12 a foundation, but I would also argue that it has been
13 gone in by this witness too.

14 THE COURT: Very well. Is there anything the
15 Defense wishes to argue on this topic?

16 MS. FULFORD: Not at this time, no.

17 THE COURT: As to any opinions that Robert Adelson
18 would still offer concerning whether he believes his
19 family has committed this crime, he may not testify to
20 that. But as to all personality traits that now
21 wendi Adelson has offered in relationship to
22 Donna Adelson, the State may inquire as to Rob Adelson as
23 to personality traits.

24 MS. DUGAN: Yes, sir.

25 MS. FULFORD: The only request I have, Judge, is

1 before he testifies, I would like the Court to instruct
2 him on what his limitations are because --

3 THE COURT: We can do that out of the presence of
4 the jury when we switch out for Wendi Adelson.

5 MR. ZELMAN: Thank you.

6 (Sidebar conference concluded.)

7 THE COURT: You can bring them in.

8 (Jury in courtroom.)

9 THE COURT: You may be seated.

10 You may continue with your cross-examination,
11 Ms. Fulford.

12 MS. FULFORD: Thank you, Judge.

13 BY MS. FULFORD:

14 Q Ms. Adelson, isn't it true that before getting
15 married to Mr. Markel in, was it 2006?

16 A 2006, we got married.

17 Q Isn't it true that you have stated that you knew on
18 your fancy wedding day, when you were all dolled up and
19 feeling like you were an actor in someone else's show, you
20 knew it on your honeymoon, when you were enjoying the vacation
21 but not thrilled to be there with him, you said, I'm not sure
22 I liked him, let alone loved him, but I was eager to start a
23 life with someone and he wanted to do it with me, do you recall
24 saying that?

25 A I don't recall saying that, no.

1 Q I have placed in front of you what's been previously
2 marked as Defendant's Exhibit 1B for identification purposes.
3 It's towards the bottom of page 3.

4 A I see that I said that in 2013.

5 Q Ms. Adelson, you would agree that when Danny Markel
6 was murdered on June the 18th of 2014, your little boys lost
7 their father for the rest of their life?

8 A On the day that he was murdered was July 18th, and,
9 yes, my boys lost their father.

10 Q They're growing up, as 11 years have passed, without
11 his influence in their life in any way; isn't that correct?

12 A I wouldn't say without his influence in any way,
13 but, yes, they have grown up without their father.

14 Q He is not here to give them advice?

15 A He is not.

16 Q He can't come to any of their functions, sports,
17 anything else?

18 A Correct.

19 Q They're not eating kosher like they would have with
20 their father?

21 A They are not.

22 Q They don't have him at all?

23 A They don't have him in their lives day to day, no.

24 Q Because on July the 18th of 2014, he was brutally
25 murdered in his driveway; isn't that true?

1 A That is true.

2 Q And you testified on direct that anybody in your
3 family that had anything to do with it should be held
4 responsible; isn't that correct?

5 A Yes.

6 Q And that includes you, doesn't it?

7 A Anyone. Anyone who is responsible.

8 MS. FULFORD: Nothing further.

9 THE COURT: Redirect examination?

10 REDIRECT EXAMINATION

11 BY MS. CAPPLEMAN:

12 Q When you said you were an actor in someone else's
13 show, whose show was it?

14 A I think I felt like I just wasn't fully present in
15 my own life, that I had always been a real people pleaser, and
16 so there was an aspect of not always being true to myself and
17 wanting to make other people happy.

18 Q And one of those people is your mom, right?

19 A Yes.

20 Q And that's part of why you kept going with
21 relocation, even when you kind of had some doubts about it,
22 right?

23 A I would say it's part of the reason.

24 Q You were asked on cross-examination about the final
25 order on relocation issued June 20th, 2013, and didn't you

1 stipulate to making it with prejudice, I guess? Do you
2 remember doing that?

3 A I don't actually remember stipulating. I mean, I
4 see it in the order, but I don't remember actively saying
5 anything or participating in a stipulation.

6 Q In fact, when you've testified about this
7 previously, didn't you indicate you didn't know what, with
8 prejudice, meant?

9 A I think I -- it's not something that comes up in my
10 daily practice, and so at the time I had forgotten that it
11 meant that it was a final order.

12 Q And it was suggested or said on cross that you
13 didn't tell your mom it was final and she was misled and she
14 thought there was still room for it, right?

15 A That is what was said to me on cross.

16 Q I'm going to approach and show you what I have
17 marked as 64JJ. Please take a moment to review this exhibit
18 and let me know when you're done.

19 A Okay. Okay.

20 Q Do you recognize that email?

21 A I mean, I recognize the email address. Is that what
22 you mean?

23 Q Yes, ma'am.

24 A Yes.

25 Q Who is the email from?

1 A The email is from my mom and dad's email address to
2 a friend of theirs.

3 Q Who is the friend?

4 A The Kligermans. I think it's Vickie, the woman in
5 the relationship.

6 Q Okay. And it's signed, love Donna, right?

7 A Yes, sorry. So it's from my mom.

8 Q Okay. And in this email does she indicate to the
9 Kligermans that there's no chance of -- no chance at the
10 appellate level for appeal of your relocation?

11 A Yes, that's what the email says.

12 Q And is that email dated 6/25 of '13?

13 A Yes.

14 Q So five days after the order was issued, your mom
15 did know that that order was final based on this?

16 A Based on that email, yes.

17 Q You were asked questions about, you know, your mom
18 never suggested any harm to Dan Markel to you, but she did
19 want to bribe him, yes?

20 A Yes.

21 Q Take control from him? weren't those her words?

22 A Yes.

23 Q Aggravate him?

24 A Yes.

25 Q Scare him?

1 A I don't remember scare him, but I believe that was
2 part of it.

3 Q Give him some grief?

4 A Yes.

5 Q Take something from him?

6 A Yes.

7 Q Show that fucker what would make him absolutely
8 miserable?

9 A Yes.

10 Q But definitely not kill him, right?

11 A I don't know what the question is.

12 Q Donna was caring and devoted to your boys. You were
13 asked about that. That's true, right?

14 A Yes.

15 Q In fact, she maybe cared a little too much about
16 your life and you and what was going on with you sometimes,
17 right?

18 A I don't know that you can care too much.

19 Q Even the Nazi uniform craziness came from her
20 version of some kind of place of love. would you agree with
21 that?

22 A Yes.

23 Q Because although her lawyers tried to downplay this,
24 she was suggesting a baptism for these kids, right?

25 A Yes.

1 Q She said she looked into it and could get it done in
2 two weeks, right?

3 A I believe that's what it said.

4 Q And didn't she justify the means or claim that this
5 would be harmless to your children because it was just like
6 playing dress-up to them, right?

7 A Yes.

8 Q Just like Jake the Pirates?

9 A Yes.

10 Q She thought the end, relocation, would justify the
11 means, didn't she?

12 A Yes.

13 Q And she thought a move to South Florida was what was
14 best for you?

15 A Yes.

16 Q And what was best for your children?

17 A Yes.

18 Q Who she cared about more than anyone in the world?

19 A I mean, I don't know who she cared about most in the
20 world, but she loves me and --

21 Q Is there anyone that she cares about more than those
22 two boys?

23 A My dad.

24 Q Okay. She thought relocation was best for those
25 boys. They were going to have better opportunities, right?

1 A Yes.

2 Q Better family support?

3 A Yes.

4 Q A happier mother?

5 A Yes.

6 Q With a more lucrative profession?

7 A Yes.

8 Q And your lives all depended on it. Isn't that what
9 she said?

10 A Yes.

11 Q And Dan Markel could have agreed, couldn't he?

12 A He was amenable, but then he didn't want to
13 ultimately.

14 Q Well, he could have moved to South Florida, right?
15 Isn't that what you were asked on cross?

16 A Yes, he could have.

17 Q Could have moved to South Florida and enjoyed all
18 that delicious kosher food down there, right?

19 A Yes.

20 Q And if he had relented, you and he could have had
21 separate lives in Miami and happily coparented the boys,
22 right?

23 A In theory --

24 Q That could have happened?

25 A -- yes, it could have.

1 Q Except he wouldn't relent, would he?

2 A I mean, he said no, and so we had a hearing and the
3 Judge said no.

4 Q Right. He wouldn't relent. He wouldn't give your
5 mom what she wanted, would he?

6 A I mean, we only had one conversation about it, so it
7 wasn't like an ongoing thing.

8 Q It wasn't an ongoing thing? What wasn't?

9 A I mean, between Danny and I. We talked about
10 relocation, he said he would think about it, and then he said
11 he didn't want to. And then we had the hearing, and then that
12 was the end of it for me.

13 Q Yes. But you were asked on cross, wouldn't things
14 have been potentially great for Danny down there too?

15 A Yes. I think they would have.

16 Q Couldn't we all have lived happily ever after if he
17 would have agreed to move down there too, possibly, right?

18 A Possibly.

19 Q But he wouldn't agree?

20 A He didn't agree, no.

21 MS. CAPPLEMAN: Nothing further.

22 (End of testimony of witness.)

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CERTIFICATE

STATE OF FLORIDA:

COUNTY OF LEON:

I, DARLA J. HALL, RPR, Official Court Reporter, do hereby certify that the foregoing proceedings were taken before me at the time and place therein designated; that my shorthand notes were thereafter translated under my supervision; and the foregoing pages are a true and accurate record of the aforesaid proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor relative or employee of such attorney or counsel, or financially interested in the foregoing action.

DATED this 27th day of August, 2025.

s/Darla J. Hall

DARLA J. HALL, RPR
OFFICIAL COURT REPORTER
LEON COUNTY COURTHOUSE
TALLAHASSEE, FLORIDA 32301